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READINGS IN TEXAS HISTORY

EUGENE C. BARKER

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Readings in Texas history for high school and colleges.

Lamar State College of Technology
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READINGS IN
TEXAS HISTORY

READINGS IN TEXAS HISTORY

For High Schools and Colleges

EDITED BY

EUGENE C. BARKER

Professor of American History in the University of Texas

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PART I

Spanish and Mexican Texas, 1528-1836

PART II

Republic and State, 1836-1928

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PREFACE

Teachers frequently ask me to recommend a textbook in Texas history for advanced study. Unfortunately there is no text covering the whole field of Texas history. There is, however, a vast amount of periodical literature and documentary material suitable for high school and college classes, if only it were accessible.

These *Readings in Texas History* are designed to meet the evident need for a handy compilation of significant studies and documents. The first Part covers the period during which Texas was subject to Spain and Mexico, including the period of the Texas Revolution. The second Part covers the period of Republic and State.

The selections are chosen and arranged to make a reasonably continuous narrative of the history of Texas, but the discriminating teacher will obviously make assignments to meet the needs of a particular class, using the selections that are not assigned to the whole class as the basis of special reports. Such a book, judiciously used, has advantages over the organized, consecutive treatment of a comprehensive textbook, for besides giving the varied point of view of the respective writers, it serves as an introduction to the rich stores of Texas history recently made available in special studies. It is hoped that teachers and students may find this volume useful.

EUGENE C. BARKER.

THE UNIVERSITY OF TEXAS,
Austin, Texas.

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PART I

SPANISH AND MEXICAN TEXAS

READINGS IN TEXAS HISTORY

CHAPTER I

SPANISH TEXAS, 1528–1821

By Eugene C. Barker

[This brief chapter is intended as a narrative outline of the Spanish occupation of Texas. The details of this period have been carefully and somewhat fully presented by the late Professor George P. Garrison in his *Texas* (Houghton Mifflin Company, Boston, 1903) and by Professor R. C. Clark, Professor H. E. Bolton, and others in special articles. Articles of particular importance are: Bolton, "The Spanish Occupation of Texas, 1519–1690" (in the *Southwestern Historical Quarterly,* published by the Texas State Historical Association, XVI, 1–26); Clark, "The Beginnings of Texas, 1684–1718" (published as Bulletin No. 98 of the University of Texas); Lilia M. Casis, "Discovery of the Bay of Espíritu Santo" (in *Quarterly* of the Texas State Historical Association, II, 281–312); W. E. Dunn, "The Spanish Search for La Salle's Colony" (in the *Southwestern Historical Quarterly,* XIX, 323–370); Bolton, "The Location of La Salle's Colony on the Gulf of Mexico" (Chapter III, below); Buckley, "The Aguayo Expedition into Texas and Louisiana, 1719–1722" (*Quarterly* of the Texas State Historical Association, XV, 1–65); Austin, "The Municipal Government of San Fernando de Bexar, 1730–1800" (*Ibid.,* VIII, 277–352); Dunn, "Apache Relations in Texas, 1718–1750" (*Ibid.,* XIV, 198–274); and Bolton, "Notes on Clark's 'The Beginnings of Texas'" (*Ibid.* XII, 148–158), "The Native Tribes about the East Texas Missions" (*Ibid.,* XI, 249–276), "The Spanish Abandonment and Reoccupation of East Texas, 1773–1779" (*Ibid.,* IX, 67–137), and "Spanish Activities on the Lower Trinity, 1746–1771" (*Southwestern Historical Quarterly,* XVI, 339–377). Professor Bolton's articles on various tribes of Texas Indians in *Handbook of American Indians* (published by the Bureau of American Ethnology, Washington) contain also a wealth of information on the Spanish period. Read: Garrison, *Texas,* Chapters I–VIII; Barker, Potts, and Ramsdell, *A School History of Texas,* Chapters I–III.]

Indirectly Spain began to accumulate information concerning Texas in 1519, when Álvarez de Pineda sailed the Gulf from Florida to Tampico. Ten years later (1528) several survivors of the Narváez expedition were cast on the shore of Texas, and, after six years of wandering along the coast from Galveston to Corpus Christi, Cabeza de Vaca and four others escaped from the Indians who had enslaved them and made their way to Mexico. De Vaca wrote an account of their experiences, which gives us our earliest source for conditions

of the Texas interior. In 1540 members of the De Soto expedition, after the death of their leader, entered East Texas near Texarkana on their way to Mexico and penetrated as far as the Brazos River before turning back. The same year Coronado's expedition, searching for Quivira, traversed a considerable portion of West Texas.

The interior of Texas continued to be penetrated by occasional parties of Spanish explorers for the next hundred and fifty years. Until well past the middle of the seventeenth century these parties advanced eastward from New Mexico, which the Spaniards had early occupied; but at the same time settlement was slowly pushing toward Texas through northern Mexico, and missionaries were already urging the occupation of the Tejas county when news reached the government that a French expedition was headed for the country.

France had begun to occupy Canada at the beginning of the seventeenth century. Fur traders and Jesuit missionaries moved rapidly westward, and in 1673 Louis Joliet and Father Marquette explored the Mississippi River from Wisconsin to Arkansas. Ten years later La Salle followed the Mississippi to its mouth, and then returned to France to beg permission from Louis XIV to settle a colony there. His plan was a strategic one. France already held the St. Lawrence, the Great Lakes, and the Upper Mississippi; and a colony at the mouth of the great river would go far toward securing the possession of the whole valley. Moreover, such a settlement could be made the basis of operations against Mexico, in case France and Spain became involved in war. The king approved, and La Salle was generously fitted out with colonists and supplies.

The colonists included some farmers, artisans, and men of family, but too many of them were undesirable adventurers. In the West Indies one small vessel was captured by Spaniards, but the incident was not then reported to the government and therefore created no alarm in Spain. The remainder of the little fleet lost its bearings, and in February, 1685, entered Matagorda Bay and made a landing. A vessel was wrecked here—the *Aimable,* the supply ship—and many provisions and arms were lost. Beaujeu, the sailing master, returned to France in another ship, leaving La Salle one small vessel. This, too, was later wrecked. It soon became evident that the Mississippi did not enter Matagorda Bay, but La Salle could not believe that it was far away. A fort was built some miles inland on the Garcitas River, and a search for the Mississippi began.

The Indians, malaria, and their own excesses soon brought the party to a desperate state. La Salle was stern, arbitrary, and unsympathetic and incurred the hatred of some of the worst characters, who murdered him in 1687 near the present site of Navasota,[1] while he was making his third expedition in search of the Mississippi. After

[1] This approximate location of the murder of La Salle is derived from Professor H. E. Bolton, of the University of California.

La Salle's death the settlement rapidly went to pieces. Some of the party eventually reached the Mississippi and made their way to Canada and France; many died of disease or were massacred by the Indians. When the Spaniards arrived in search of them in 1689 there were less than half a score of survivors scattered among the Indians.

The Spanish authorities had learned during the fall of 1685 of La Salle's plan for a settlement on the Gulf, and between 1686 and 1689 five searching parties were sent by sea and four by land to find him. It was only the fourth of the land expeditions that succeeded. Captain Alonso de León commanded this expedition in 1689, and with him was Father Damian Massanet, a devoted Franciscan missionary. They found the French settlement (Fort St. Louis) in ruins. Several dead bodies lay unburied on the prairie. Clearly the danger of a French occupation for the present was over.

Learning that four Frenchmen were living among the Tejas Indians in East Texas, De León wrote to them inviting them to accompany him to Mexico. Two of them joined him, and with them came a chief of the Tejas. Missionaries and explorers had long been wishing to get in touch with these Indians, and Father Massanet exerted himself especially to win the friendship of this chief. He was successful, and parted from him with a promise to return the next year and establish a mission among the Tejas, the chief assuring him that the Spaniards would be welcome.

Spurred by the fear of French encroachment, the viceroyal government of Mexico approved the proposal of De León and Massanet for the establishment of a settlement among the Tejas, and in the spring of 1690 De León led a second expedition to the country. Marching first to La Salle's deserted settlement he destroyed it, so that it might not harbor other intruders, and then proceeded northward to the Tejas. On a small stream some ten miles west of the Neches and northeast of the present town of Crockett he built a rude log chapel and left three priests and three soldiers to win the region to Christianity and to Spain. A few months later the priests established a second mission (Santa María) on the Neches. At first the Tejas were peaceful and friendly, but pestilence and bad crops followed and they became ill-humored and troublesome. Next year priests and soldiers were reinforced from an expedition led by Governor Terán de los Rios, but in 1693 they abandoned Texas, and Spain made no further attempts to occupy the province until fear of the French again arose in 1716.

In 1699 a French settlement was founded at Mobile Bay, and in 1712 a French merchant, Antoine Crozat, received from the French government a monopoly of the trade of Louisiana, which was regarded as including all the territory drained by the Mississippi and its tributaries. But this field was too restricted for Crozat's ambition. He

wished also to trade with the Spaniards in northern and northwestern Mexico. In view of the exclusive commercial policy of Spain, this could be done only by a system of smuggling with the connivance of the Spanish colonial authorities. A man of ability and address was needed to approach the Spanish officials, and Governor Cadillac of Louisiana selected Louis Juchereau de St. Denis, an experienced Indian trader and explorer. St. Denis led a party up Red River to the present site of Natchitoches, where he established headquarters for trade with the Hasinai or Tejas confederation of Indians in East Texas, and then pressed on across Texas to the Spanish presidio a short distance southeast of the present Eagle Pass. In 1714 this post was commanded by Captain Diego Ramón. To him St. Denis unfolded his proposal for trade, but the captain referred the matter to the viceroy at Mexico and held St. Denis a prisoner.

An interesting romance has woven itself around the young Frenchman's sojourn here, but the thrilling details presented by Gayarré and Brown seem to have no other foundation than the fact that St. Denis later married Captain Ramón's granddaughter. The viceroy was considerably alarmed by the French advances, and ordered St. Denis sent to the capital.

As the result of personal conferences with St. Denis, the viceroy decided to reoccupy East Texas, a measure to which the missionaries had been urging him for years. St. Denis agreed to guide an expedition, and this, with priests, soldiers, and settlers, got under way in 1716, commanded by Captain Domingo Ramón. The Spaniards were welcomed by the Tejas Indians, who had missed the small gifts with which the missionaries had been in the habit of cultivating their friendship; and during the next few years a group of missions was established around the present towns of Nacogdoches and San Augustine. In 1718 San Antonio was founded and became the important Spanish stronghold in this outlying frontier province.

In the meantime, the French post at Natchitoches grew stronger and in 1719 compelled the Spaniards to flee to San Antonio for protection. Two years later, however, the Marquis De Aguayo reestablished the Spanish settlements and strengthened the presidios; and further relations between the French and Spanish on this frontier were marked by little friction. In 1762 Louis XV ceded Louisiana to Spain, and the international boundary moved eastward to the Mississippi, across which faced the aggressive English instead of the easy-going French.

After the founding of San Antonio in 1718, Spanish governors and missionaries made energetic efforts to colonize Texas and civilize the Indians. Aguayo established a post near the site of La Salle's Fort St. Louis in 1721, which after being twice moved was finally fixed in 1749 at modern Goliad. The great mission buildings near San Antonio, which constitute one of the most impressive historical

and architectural monuments of the Southwest, were constructed (1720–1730); and others of less pretentious character were scattered from Refugio and Liberty, near the coast, as far west as San Saba and Rockdale.

Following the French cession of Louisiana, the settlements in East Texas were abandoned, but many of the settlers who had known no other home were ill at ease in San Antonio, whither they were moved, and in 1779 Gil Ibarbo led a number of them back and founded Nacogdoches on the site of the old mission of Our Lady of Guadalupe.

The permanent results of Spanish activities in Texas to the close of the eighteenth century were pitifully small, but it must be remembered in extenuation that the province was very remote and that the Indians were peculiarly untractable. When measured by the results later achieved by the United States with convenient bases and incomparably greater resources, Spain's failure to civilize the Indians affords little cause for criticism or surprise.

On October 1, 1800, Spain receded to France "the Colony or Province of Louisiana with the same extent that it now has in the hands of Spain, and that it had when France possessed it." On April 30, 1803—as the treaty is dated—France sold Louisiana, with the same limits, to the United States. What were the boundaries of Louisiana thus vaguely described? Napoleon had instructed General Victor to take possession to the Rio Grande, and on that ground, chiefly, President Jefferson and other prominent statesmen were inclined to claim Texas. But they were much more anxious to extend the eastern boundary over West Florida, a narrow strip along the coast from the Mississippi to the Perdido River, and expected to play the Texas claim against this coveted region. Historians are agreed that the claim to West Florida was baseless, but despite the accidental, temporary character of La Salle's settlement and the deliberate, permanent occupation of the province by Spain from 1716 onward, the Texas question has not been so easily settled. In 1819 the United States surrendered by treaty all claims west of the Sabine, but many patriotic citizens believed that the government exceeded its constitutional power in alienating territory to which its title was good. It was this belief that made possible the demand for the "reannexation" of Texas in the national Democratic platform of 1844.

Before the acquisition of Louisiana by the United States Anglo-Americans had already begun to penetrate Texas. For years Philip Nolan, a protegé of General James Wilkinson, had been making occasional trips to San Antonio. In 1800 he led a small party into the province for the ostensible purpose of capturing wild horses. Whether that was his sole object is even yet not clear. Toward the end of March, 1801, he was overtaken by Spanish soldiers near the present city of Waco, and in the ensuing battle Nolan was killed. His men

then surrendered, expecting to be sent home from Nacogdoches, but on the contrary they were marched to Mexico, where in the course of time all except Peter Ellis Bean elude the historical vision. Bean joined the revolutionists in 1810, and when Mexico gained its independence he was a colonel in the patriot army. During 1826–1835 he was stationed at Nacogdoches as a sort of Indian agent.

In 1812 Bernardo Gutierrez and Augustus Magee, lately a lieutenant in the United States army, invaded Texas with a considerable force of American adventurers, Spaniards, and Indians. They took Nacogdoches in August and Goliad in October. Here Magee died. In the spring of 1813 the invaders advanced on San Antonio, and, after defeating the Spanish governor in a terrible battle, entered the town on April 1. Gutierrez's brutality to the prisoners alienated many of the Americans, who now abandoned him. The others were decoyed into an ambush by General Arredondo near the Medina River in June and badly defeated.

The avowed object of Gutierrez and Magee was to win Texas for the revolutionary party in Mexico. They undoubtedly expected to turn success to their personal profit, but in just what way does not clearly appear.

After the signature of the Florida treaty of 1819 by which the United States relinquished its claims to Texas, Dr. James Long of Natchez, Mississippi, led an expedition which for a brief time occupied Nacogdoches and proclaimed the independence of Texas. It is somewhat significant that Long, like Nolan, had a connection with General James Wilkinson of the United States army, his wife being Wilkinson's niece. At the time of Long's invasion the royalist power had almost succeeded in stamping out the revolution in Mexico, and Texas was well defended. Troops advanced from San Antonio, and catching Long's forces in scattered detachments easily defeated and expelled them. Long took advantage of the renewed revolutionary wave in 1820 to return to Texas, but was no more successful than before. In fact, he was taken prisoner and sent to Mexico City, and there a short time later was killed by a Mexican soldier.

In a sense Nolan, Magee, and Long, with the men whom they led, were but the advance couriers of American expansion. In the first twenty years of the nineteenth century the United States pushed its settled frontier westward to the Mississippi, and crossed that line in Louisiana, which became a state in 1812, and in Missouri, which was admitted in 1821. The natural line of advance to further expansion was toward the southwest. That the adventurous pioneers entered Texas in organized bands rather than as peaceful trappers and settlers was probably due to the revolutionary condition of New Spain from 1810 to 1821, which suggested the pretext of marching in force to the relief of the local patriots. These invasions served the purposes of spying out the country, and of paving the way for the peace-

ful penetration of Moses and Stephen Austin and the "crowd of ex-presarios" who followed them.

The opportune attainment of Mexican independence in 1821 undoubtedly furthered the colonization of Texas from the United States by creating a temporary glow of friendship for the republicans of the North, who had gone through much the same experience with England as had the Mexicans with Spain, and whose liberal institutions the Mexicans dreamed of emulating.

CHAPTER II

LA SALLE'S SETTLEMENT AND THE FIRST SPANISH MISSION IN TEXAS

By R. C. Clark

[The selections which follow are from Clark's "Beginnings of Texas," 13, 18–20, 23–25, 39–42. They describe briefly the La Salle settlement, near the shore of Matagorda Bay, the Spanish discovery of the ruined French settlement, and the establishment and abandonment of Mission San Francisco de los Tejas, 1690–1693. See Garrison, *Texas,* 1–33; H. H. Bancroft, *North Mexican States and Texas,* I, 373–406; Barker, Potts and Ramsdell, *A School History of Texas,* 1–21.]

I. La Salle's Settlement

It would be inconsistent with the purpose and limitations of this paper to give more than the briefest outline of the voyage and subsequent adventures of La Salle. Having received his commission he went to work to enlist his company and equip the expedition. For the transportation of his people to the new world he secured four vessels: The *Joli,* a ship of the royal navy of thirty-six guns; a storeship called the *Aimable;* the *Belle,* a frigate; and a ketch, the *St. Francis.*

On the 24th of July, 1684, the ill-sorted company, consisting of two hundred and eighty people—seamen, soldiers, priests, artisans, women and children—embarked from the port of Rochelle; and eight months later, about the middle of February, 1685, after many hardships and misadventures, having missed the mouth of the Mississippi, it passed through the narrow channel between Matagorda Peninsula and Matagorda Island into the bay of Matagorda.

It will be sufficient merely to indicate the events that followed—the landing upon the sandy shore of the bay, which the French called Bay St. Louis; the loss by criminal carelessness of the storeship *Aimable* with the provisions, arms and supplies that were on her; the departure of Beaujeu with those of the expedition who had become discouraged or dissatisfied; the settlement of the colony a few miles inland on the La Vaca River;[1] the sickness, accidents, and

[1] See Bolton, "The Location of La Salle's Colony" for later information on this point—*Southwestern Historical Quarterly,* XXVII, 171–189; below, Chapter III.

misfortunes by which the company of two hundred was soon reduced to a few score; and La Salle's three painful efforts to pass overland to the Mississippi, ending with the tragedy of his murder by his own men. The fate of the unfortunate persons who were left at the village of St. Louis, as it touches the enterprises of the Spaniards, will appear as we proceed. . . .

[Information of the fact that there was a French expedition in the Gulf headed for the mainland aroused the Spanish authorities in Mexico, and resulted in the sending out of five expeditions by sea and four by land to search for the French landing. How Captain Alonzo de León's expedition found the ruined settlement in 1689 is told by the next extract.]

Captain León resumed his march southward, and on April 22, [1689] reached the village and fort of St. Louis, near the La Vaca River. All there was deserted and silent. About the yard were scattered the contents of plundered houses: broken chests and boxes and barrels; the broken tackle of a ship; a great number of books with leaves torn and scattered, but bearing still the evidences of costly bindings; and broken cutlasses, and the stocks of many arquebuses with locks and barrels gone. On the prairie near by lay three dead bodies, one of which, from the fragment of a dress that still clung to it, appeared to be that of a woman.

The village consisted of five or six small houses of palisades, plastered over with mud, and covered with the skins of buffaloes; a larger house, where apparently animals were kept, and a wooden fort, made from the timbers of a wrecked vessel. The fort had four lower rooms, one of which had served as a chapel, and above these rooms was an upper story which had been used for a storeroom. Scattered about the fort were several swivels and eight small guns of four or six pounds, some upon the floor and some upon their broken carriages. Upon the casing of the principal door of the fort was inscribed the year of its occupation, with other details of the history of the village.

Before setting out upon the return journey Captain León descended to the coast and explored the bay of Espíritu Santo. Skirting the shore for many leagues, he saw the shattered spars and broken timbers of a wrecked vessel. On his return to the fort he found that the Indian messenger had arrived, bringing a letter from the Frenchmen. They asked the Spaniards to wait for them, saying that they would be on in a few days, that they were waiting for another Frenchman who was with some Indians farther away.

While waiting for them Captain León with a party of twenty men set out to the east and discovered the Rio de San Marcos (Colorado),[1] which he explored almost to its mouth. He then returned to

[1] Really the Lavaca. See below, page 26.

the place where his company had gone into camp and found that the Frenchmen still delayed to come; whereupon he determined to go with a few men in search of them, sending the rest of the company on to the Guadalupe to await his return. He accordingly set out with thirty men toward the country of the Tejas. After three days he rejoined his company upon the Guadalupe, bringing with him two of the Frenchmen; they were Juan Archbepe (Jean L'Acheveque), a young man from Bayonne and one of the murderers of La Salle, and Santiago Grollet, a sailor, who had deserted La Salle on one of his early journeys in search of the Mississippi. The other two Frenchmen, Pedro Muni (Pierre Meusnier) and Pedro Talo (Pierre Talon), distrusting the Spaniards, preferred to remain with the Indians.

From the captives the Spaniards learned more in detail the story of the destruction of the little colony in Fort St. Louis. Before the final catastrophe the smallpox had broken out among the villagers, reducing their number till there were scarcely more than a score left. La Salle had gone away with the ablest bodied of the men on a last toilsome journey in search of "the fatal river." Day by day the few men, women and children left upon the shore of Bay St. Louis waited while hope slowly failed them. Around them was the unending wilderness, pathless and inhospitable; before them stretched a waste of sand, beyond which spread out the wide, tantalizing expanse of the sea.

Near the first of February, in the year 1689, the end came. They had been on friendly terms with the Indians around them, and suspected no evil. The savages came and went about the village, bartering for trinkets and professing friendship. But underneath this amicable pretension was a hatred which had existed since La Salle, soon after landing, had taken from them their canoes; they were biding their time. One day five of them came to the village under the pretext of trading. They stopped at a house apart from the others and began to barter noisily. Soon all the people of the village, willing to accept any diversion to pass the tedious days, came out and gathered around the savages, watching curiously. Other Indians came and joined the boisterous colloquy. When all the white people of the village were in the house or near it, a band of warriors rushed up from the river, where they had lain concealed, set upon the villagers, and killed them all except five, who were saved by the Indian women.

The five who were thus saved, were the four children of the Canadian Talon, three boys and a girl; and a young man from Paris named Eustache Breman. The young Talons, before their rescue, had been compelled to see their mother killed before their eyes; their father had gone with La Salle on one of his early efforts to find the Mississippi and had never returned. After massacreing the villagers the Indians had plundered the huts and the fort, breaking open the

chests and scattering their contents, carrying away whatever they fancied, and breaking up what they could not use. . . .

[Returning to Mexico, Captain De León and his chaplain, Father Damian Massanet, induced the viceroy to sanction a settlement among the Hasinai or Tejas Indians, in East Texas.]

II. The First Spanish Mission in Texas

On the 28th of March, 1690, the combined military and missionary expedition set out from the presidio of Coahuila. It was an indiscriminate company of tailors, shoemakers, carpenters, miners, and other persons of adventurous turn, and little suited to the arduous business of opening a new country or making permanent settlements. Crossing the Rio Grande they advanced northeast, following a course similar to that of the former journey. At the Guadalupe the main body of the army stopped, while Captain León with twenty men descended to the coast.

They found no evidence that the fort had been occupied since they were there before, though there were many signs of the presence of Indians in the vicinity. Father Massanet declares that he himself set fire to the dismantled fort, and as there was a high wind blowing in half an hour it was in ashes. Captain León and his party then went down to the bay and made a further examination of it, passing all along its shores, and exploring also the river upon which the Frenchmen had built their village. . . .

Captain León dispatched a messenger to the governor of the Tejas to announce the approach of the Spaniards, and in a short time he appeared with his attendants to welcome them. On the 22d of May the company arrived at the chief village of the Tejas, where they were entertained with much kindness at the house of the governor. As the savages still showed themselves willing to have missionaries remain among them, the friars, with the assistance of Captain León, set to work at once to select a site for their mission; and as soon as this was done, they began to cut and haul logs to build a chapel and a dwelling house for the priests. By the end of May the rude log church was finished, and on June 1 was consecrated with all solemnity.

The mission of San Francisco de los Tejas was situated four or five leagues from the Neches river. It stood in the heart of a savage wilderness, four hundred miles from the nearest settlement. Near it flowed a small stream and around it was a pleasant forest. The three friars, Miguel Fontecuberta, Francisco de Jesús María, and Antonio Bordoy, with Fontecuberta as president, were left to carry on the missionary work. They set themselves at once to learn the language of the Indians, making a list of their words and phrases and using the young Frenchmen as interpreters. Only three soldiers were left

to protect the mission, it being the opinion of Father Massanet that more would not be needed.

[In June, 1690, the missionaries built a second mission on a stream which they called "Archangel San Miguel (probably the Neches)." The following summer the governor of Coahuila and Texas, Domingo Teran de los Rios, took supplies and reinforcements to the missions. The condition of the settlements and their subsequent history are told by the next extract.]

Father Francisco, in his letter to the Count of Galve, sets forth some of the difficulties encountered during the year and three months in which he was chaplain of the missions among the Asinais. The many superstitions of the Indians, the adverse influence of their medicine men, the evil conduct of the soldiers who had been left to guard the missions, the difficult task of learning the many languages or dialects, rendered it impossible to accomplish much good.

He wisely suggests that thereafter a strong garrison should be placed with each mission; that the soldiers who form these garrisons be married men; and that they bring with them their families, and thus constitute villages around the missions. He insists that in order to convert them the Spaniards must set them a good example. "And so I beg your Excellency," he writes, "that you consider how this, as agreeable to the Lord, may not be lost by sending the criminals taken from the prisons, both unmarried and vagabonds, who, if they were turned loose among Christians, would do harm, and would here commit atrocities and prevent the ministers of the Lord, by their depraved life and bad example, from gathering the fruit of these souls."

In this pathetic appeal we are able to read the causes of the failure of these first missionary efforts, and to foresee the policy which the Spaniards were constrained later to adopt in their efforts to convert the savage tribes.

Of the subsequent history of the missions San Francisco and Santa María little can be told in detail. As has been indicated already, the Indians began to give trouble before the departure of Teran's company. A small guard of a corporal and ten soldiers was left to protect the friars, but it was altogether inadequate; and what little assistance the few soldiers might have rendered in preserving the missions from injury was precluded by their lack of discipline and self-restraint. So great, indeed, were the difficulties and discouragements, that six of the friars who had come out with Teran's expedition refused to remain, and others, it seems, remained unwillingly.

Massanet and the missionaries left with him continued their efforts at San Francisco and Santa María more than two years; but the work did not prosper. A general epidemic lasting from May to November, 1692, carried off a great number of the Indians and one

of the priests; the medicine men attributed the disease and death to the water used by the priests in baptism, and made the work of the missionaries difficult; the Indians proved intractable and it was impossible to reduce them to pueblos; for two successive seasons the harvests were destroyed by flood and drouth; the missionaries lived in constant apprehension of a hostile outbreak among the Indians; the savages among whom they were laboring joined in with those from the coast country in carrying off the cattle and horses; the soldiers conducted themselves in a boisterous manner, setting a bad example to the Indians whom they were seeking to convert and at the same time angering them by their treatment of their women.

In June of 1693, Gregorio Salinas arrived from Coahuila with provisions and other necessaries for the missions; but his arrival had not the effect of encouraging the missionaries to persevere; on the contrary, several of them took advantage of the opportunity to return to Mexico. Massanet sent letters to the viceroy describing the condition of the missions, and setting forth their urgent needs. Three things are necessary, he urges, to secure the fruit of the missions: there must be a sufficient number of soldiers to command the respect of the Indians; the missions should be founded in a place suitable for cultivation; and the Indians should be compelled to live in pueblos.

The government, however, was not in a mood to do anything. There was no longer any urgent political reason for maintaining settlements beyond the Rio Grande and the reports from the missions showed that the difficulty of maintaining them would be very great. The alarm of a French occupation had passed, and there was a disposition to postpone to some future time the occupation of the eastern lands. The report of Massanet, in which he described the difficulties of his situation as we have indicated was laid before a junta general on the 21st of August, 1693, and that body determined that the missionaries and soldiers should be ordered to retire and seek a more desirable spot in Coahuila for their missionary efforts.

In the meantime the savages were daily becoming more threatening. The padres heard of plots among them to drive them away or to kill them, and they constantly became more aggressive, continuing to carry off their cattle and horses. The principal chief of the Tejas informed Father Massanet that the Indians were tired of the Spaniards and were determined to drive them from their land. This decided the missionaries to depart, and they did so on the night of the 25th of October, taking away the [church] ornaments and burying the swivel guns, bells and other iron things. A little later, March, 1694, the viceroy formally ordered the abandonment of the province of Nueva Montaña, and Texas was left for twenty years to the undisturbed possession of the Indian tribes, to wait until another and more serious menace to their authority in lands east of the Rio Grande should

stimulate the rulers of New Spain to a saner and more determined effort to make good their title to that vast region by the fact of actual occupation.

The question may well be raised here, by way of conclusion, whether these several unsuccessful efforts to establish missions among the Tejas and Cadodachos were of any permanent value in the evolution of Texas. Without doubt they were. A certain amount of substance and energy must always be wasted in forcing civilization into an unbroken wilderness. Each new country has its peculiar difficulties, which only experience can teach how to overcome. Paths must be traced, mountains and valleys traversed, boundaries searched out, and coasts and rivers explored; and these things are seldom accomplished without lavish expenditure of men and means.

That remote inland settlements are difficult to establish, and more difficult to maintain; that the organization of an extensive system of missions must be the slow work of years, and not the accomplishment of a summer campaign; that the conversion of even the most tractable of Indians must be a mingling of force with persuasion; and finally, that the mission could thrive only when it existed side by side with the presidio—these were the useful deductions from Fray Damian Massanet's costly experimenting.

And there were other lessons of value. A more correct idea of the geography of Texas was obtained; the most important rivers were named and their courses determined; roads were marked out from Coahuila to the plains of Southwest Texas along which Spanish civilization could advance more surely; and the bay of Espíritu Santo became an easy and familiar landing place for later expeditions. All these facts were worth something when the time came at length to undertake seriously the task of opening the lands beyond the Rio Grande for settlement.

These early missionary efforts, then, are not to be considered unimportant. The little log church of San Francisco and its companion mission by the Neches, although ephemeral and productive of no immediate good, in the larger outlook were eminently worthwhile; for they served as an admonition and a warning when, twenty years later, the friars came again to stretch their line of larger and more substantial churches from the Rio Grande to the Sabine.

CHAPTER III

THE LOCATION OF LA SALLE'S COLONY ON THE GULF OF MEXICO

By Herbert E. Bolton

[From *The Southwestern Historical Quarterly,* XXVII, 171–189. For additional reading on the same general subject, see Casis: "Discovery of the Bay of Espíritu Santo" (in *Quarterly* of the Texas State Historical Association, II, 281–312; Dunn, "The Spanish Search for La Salle's Colony" (in *The Southwestern Historical Quarterly,* XIX, 323–370). Read: Garrison, *Texas,* Chapters I–III; Barker, Potts, and Ramsdell, *A School History of Texas,* 5–10.]

One of the unsettled points in the history of La Salle's career in America has been the exact location of the colony which he established temporarily on the shores of the Gulf of Mexico in 1685. The view held by Parkman and most other writers has been that the site was on the Lavaca river, but from this opinion some have dissented, while others have been in doubt because of the inadequacy of the available data. The question is debatable no longer, for it is settled once for all by newly discovered records in the archives of Spain, which have been corroborated by archeological and topographical investigation.

In order to put this new evidence in its proper setting, it seems desirable to review briefly the main features of the well-known story of La Salle's enterprise. In 1682 La Salle descended the Mississippi to its mouth and conceived the idea of founding there a colony in the name of the king of France. In writing of his purposes, historians generally have laid the chief emphasis upon La Salle's desire to control and develop the valley of the Mississippi, and through that stream to establish connection with Canada. But La Salle had other purposes which were equally or even more prominent in his plans. French explorers in the interior of North America had long dreamed of finding a way to the much talked of mines of northern Mexico. France and Spain were continually at war or on the verge of war, and at the very time when La Salle descended the Mississippi French buccaneers were scouring the waters of the gulf and making raids upon the Spanish settlements of Florida. In the course of the next year French corsairs three times sacked the Spanish settlement of Apalache. Thus France and Spain were competing for the control of the northern shores of the Gulf of Mexico, and of this competition La Salle's project was a part. When he returned to France, there-

fore, La Salle proposed to establish a colony on the gulf, not only as a means of controlling the Mississippi valley and the northern gulf shore, but also as a base of attack, in case of war, upon the Spanish treasure fleets and upon the northern provinces of Mexico. These purposes La Salle plainly set forth in his proposals to the king, and on these terms his plans were approved by Louis XIV.

The colony of some four hundred people left France in the summer of 1684, and in the autumn reached the West Indies, the ketch of *St. François* having been captured by the Spaniards on the way. While in the West Indies La Salle was gravely ill, but he recovered his health and in November continued his voyage. For reasons which have never been fully explained, the mouth of the Mississippi was missed and a landing made near Pass Cavallo, on Matagorda bay. Some students have maintained that the passing of the Mississippi was not accidental, but designed by La Salle, in order better to attack the Spanish provinces of Mexico. This view, however, seems unwarranted.

After reaching Matagorda bay the expedition went rapidly to pieces. A landing had scarcely been made when some of the colonists died from sickness and others were killed by the Indians. In the attempt to enter the bay, the *Aimable* was wrecked. Beaujeu, the naval commander, had quarreled with La Salle from the beginning, and from Pass Cavallo he sailed back to France with the *Joli*, carrying away some of the soldiers and a large quantity of much needed supplies. Tonty, La Salle's lieutenant, by agreement descended the Mississippi to meet him at the mouth, but of course did not find him, and therefore gave him no aid.

To make the best of a bad situation, La Salle moved his colony to a better site near the head of Lavaca bay and began a series of expeditions to the eastward in the hope of finding the Mississippi river, which he thought to be near. While engaged in exploring the eastern portion of Matagorda bay, the *Belle*, the last of La Salle's four vessels, was wrecked and left stranded on the inner shoals of Matagorda peninsula.

On his third expedition northeastward La Salle, with a few companions, made his way to the Cenis Indians on the Neches, and to the Nasoni north of Nacogdoches. But here he was forced by desertion and sickness to retrace his steps, and he returned to the settlement at Matagorda bay.

The colony by this time had dwindled down to a mere handful, and succor was imperative or extermination certain. Again the intrepid explorer set forth with a few companions, in an attempt to reach Canada. Crossing the Colorado near Columbus, he made his way to the Brazos, which he passed just above the mouth of the Navasota. Here a quarrel arose among his followers, in the course of which Moranget, La Salle's nephew, was slain by his companions

while hunting for supplies which La Salle had cached in the vicinity during the previous expedition.

To save their own necks, when La Salle reached the scene of the murder the conspirators slew him as they had slain Moranget. Historians have supposed that this act was committed near the Trinity or the Neches, but evidence now available makes it quite clear that the spot was between the Brazos and Navasota rivers, and near the present city of Navasota. . . .

From the Navasota river the survivors of La Salle's party continued eastward to the Cenis and Nasoni. Here some deserted, but others, including Joutel and La Salle's brother, Abbé Jean Cavelier, made their way across the Red river to the mouth of the Arkansas, to Tonty's post on the Illinois, and to Canada. From Tonty they concealed the news of the tragedy which had occurred in the wilds of Texas, but he learned the truth through Indians, and in the fall of 1689 made a second voyage down the Mississippi in an effort to rescue the colonists. Crossing Louisiana to the Natchitoches, he ascended the Red river to the Caddo, and then made his way southwest for eighty leagues to the Nouaydiche, a village of Indians living near the Neches. But here, for lack of aid and guides, and, it is said, hearing of the approach of De León, he was forced to give up the search. Accordingly, he purchased horses from the Indians and returned to Canada.

Meanwhile the little colony on the gulf dwindled down to a mere handful. Many of the people died of smallpox. Finally, early in the year 1689, four years after the colony had landed, most of the survivors were slain by their savage neighbors, the Karankawa Indians. In the course of the next few years five children and four men were picked up in various parts of Texas by Spaniards, taken to Mexico, imprisoned, or otherwise disposed of. Just a quarter of a century later two of the boys, Jean and Robert Talon, reappeared in Texas as guides of the famous St. Denis, when in 1714 he made his historic journey from Natchitoches to the Rio Grande.

Such in outline is the story of La Salle's unfortunate colony. Much of what we know of it is learned through the records of Spanish expeditions sent out in search of it. News of La Salle's voyage to the Mississippi was acquired through the capture of a French corsair off the coast of Yucatan in September, 1684. Soon Spanish parties were sent forth by land and sea to find and eject the intruders. In 1687 the wrecks of the *Aimable* and the *Belle* were seen by members of two of these expeditions, who took from them four pieces of artillery "and three painted fleurs-de-lis." They concluded that the French colony had been completely destroyed; but, to make certain, overland expeditions were sent out from Monterey and Monclova, then the principal outposts on the northeastern frontier of New Spain.

The leader of these expeditions was Alonso de León, the ablest frontiersman of his district. In 1686 and again in 1687 he made his way to the Rio Grande and explored it to its mouth, looking for the French. Hearing in 1688 of a strange white man dwelling among the Indians north of the Rio Grande, he crossed it near Eagle Pass and found a lone Frenchman ruling single-handed a large confederacy of savages. The Frenchman was captured by strategem and taken to Mexico; in 1689 he returned as guide to De León, now on his fourth expedition in search of La Salle's colony.

Making his way to the northern shores of Lavaca bay, De León found the ruins of the French settlement, rescued from the Indians a few survivors, held a conference with an Indian chief from the Neches river, and returned to Mexico. Next year he was sent on a fifth expedition, instructed to destroy the French fort and to aid Father Massanet in founding missions on the Neches, where it was feared the French might reappear, and where the friars had long dreamed of establishing the faith. The French fort was burned, and the bay was again visited.

In the summer of 1690 De León returned to Monclova and reported what he had done. Among other things he stated that in the bay, a short distance from the mouth of the stream on which the French colony had been established, he had seen two buoys which were not there the year before and could hardly have been placed there by the Indians. So serious was the matter regarded that a council of war was held in Mexico to consider it, for it was feared that the buoys might mark the entrance to some channel in which other French vessels were lurking, or to which they might return. It was resolved, therefore, that they should be destroyed; the method of their destruction was left to be determined by the viceroy.

The viceroy not only desired to learn who had left the buoys, and to protect the bay, but was even more concerned to establish a water route to the missions which had been established on the Neches. In September, therefore, he sent out an expedition to investigate these points. A ship was equipped for three months, provided with a launch and a canoe, manned with sixty soldiers and sailors, and put in charge of Captain Francisco de Llanos, an officer in the West Indian fleet. With him went Gregorio de Salinas, who had been with De León on his last expedition, and who was now put in charge of the land operations. As pilot the viceroy appointed Juan de Triana, an expert in the navigation of the gulf. As master of the fortification and mapmaker went Manuel Joseph de Cárdenas y Magaña, who had shown skill in the building of the great prison fortress of San Juan de Ulua, still standing near Vera Cruz. . . .

The Llanos expedition seems hitherto to have been unknown to historians, and yet its records are of first importance in determining the plans of the viceroy regarding Texas, and, incidentally, in fixing

the location of La Salle's colony. The records comprise correspondence, a diary, and a carefully made map of Matagorda bay and its tributaries. The map is so accurate that we are able to identify practically every point which Llanos, Salinas, and Cárdenas visited; and there can be no question as to its reliability. It is the work of a skilled and careful engineer.

Descripción exacta del Lago de S. Bernardo y del Todos Santos que nuevamente se halló este año de 1690.

Map made in 1690, containing the essential data on the Cárdenas Map but with different Lettering. (Drawn from a photograph.)

On October 24, Llanos and his party reached Pass Cavallo. . . . On the twenty-seventh the party crossed the bar. On the twenty-eighth they reached the spot where the *Aimable* had gone down (F). Turning northwest, on the thirtieth they reached Sand Point, which was accurately mapped and described. On November 1 they entered Lavaca bay in the launch, and named it Todos Santos (All Saints) in honor of the day. Proceeding to the northwestern corner of Lavaca bay,

they reached the place where the buoys had been reported (2). They proved to be only logs of driftwood.

Continuing northward, Llanos and his party entered the mouth of the river flowing into the bay at its northwestern angle, obviously the Garcitas. This stream was given the name of Rio de los Franceses, or river of the French. The words of the diary are interesting here. It says: "We continued up the river until we arrived at a little village of Indians whom we did not understand and who did not understand us. From here we continued up the river till we saw some houses, on the highest elevation. Proceeding toward them, we landed on the banks and discovered that they were the settlement and fort of M. de la Salle [Munsuir de Salas], from many signs which we found there, such as wheels of cannon carriages, musket breeches, and many burned planks and beams of the fort." De León had burned the fortification a few months before. Another report tells us that the French settlement was two leagues or about five miles up the river. At night Cárdenas and his party returned to the vessel near Sand Point. Before morning a storm arose which prevented any work of exploration on the following day.

On the fourth the party went north again in the launch and entered the bay where Port Lavaca now stands. From there they went to the inlet now called Chocolate bay, and explored it with the canoe. Cárdenas guessed that it might be the mouth of the Medina river, which had been crossed by De León in the interior; but he was careful to state that this was only a guess.

Next day they continued up the west coast to the mouth of Placedo creek, which they ascended for a league in the canoe, thinking it might be the Guadalupe river. Returning they examined again the two logs of driftwood, and for a second time entered the Garcitas river. Says the diary: "We found the place where the artillery of the fort was said to be, and we uncovered it in order to see it and satisfy ourselves. We saw that it was of iron. Then we passed on, and, following up the said river, we camped for the night at point P." (x on map published.) This point was some three or more miles above the fort, and not far from the present residence of Mr. Claude Keeran. Next day they continued up the river till the water was too shallow for the launch, but evidently they did not reach the mouth of Arenosa creek, for no mention is made of such a stream. Descending, they spent the night in the bay near the mouth of the river of the French.

At another point the diary gives further data regarding this stream and the French settlement. It says: "The width of the river is sixty yards at the entry. It is eighteen or twenty palms deep, but at places decreases to eight palms, at some of the fords. Its whole bottom is of mud; after three leagues up it contains some groves of oaks, liveoaks, and some wild grapes and willows.

"As to the site [of the French settlement], it is on the highest point of the plain. It overlooks two-thirds of it in the direction of the river, and one-third is a level extending indefinitely northwest. As to the materials, the land is black, rich, and sticky. The river is of fresh water; the timber, of which there is some, is a little distant. There are no stones even to supply needs."

Next day the party raised the drift logs, cut off some pieces, and loaded them on the launch to take to the ship and to Vera Cruz. Continuing their exploration, they crossed the head of Lavaca bay to another river, coming in at the northeastern angle of the bay. Ascending this stream next day for some five or six miles, they camped for the night (at the point marked 3 on the map). Next day they passed a village of Indians, and shortly afterward the mouth of the river coming from the northwest (4), which they recognized as the one that De León had called the San Marcos. It was obviously the Lavaca. Ascending the east fork (the Navidad), which on his map Cárdenas called Rio del Espíritu Santo, they rowed a few miles, but were stopped by a raft of drift logs. The river was described as being well timbered, which was not true of the river of the French.

Turning about they camped some two miles above the junction on an elevation (6) described as a red bluff, admirably adapted to fortification and settlement. This spot was clearly the place where the village of Red Bluff now stands.

Next day, the ninth, they descended the river, and explored the small bay or lagoon above the delta (2). On the tenth they explored Cox's bay, next below (8), and on the eleventh Keller's bay (9). From here they returned to the western shore of Lavaca bay, where they camped opposite Sand Point (below T and N).

"There," says the diary, "we found the place where M. de la Salle [Munsuir de Sales] had made the barracks to lodge his men and all the rest of his train, in order thence to conduct them to his settlement. It is inferred, therefore, that his vessels did not go beyond this point —there being insufficient water—whence he conducted all that he had in launches and canoes."

On the twelfth the party began the exploration of the main bay, to the east. Coursing along the north shore, they passed the mouth of Carancahua bay (11) and camped some distance east of it under the shelter of a red cliff and a gunshot from a spring of fresh water. This place, which was apparently near Well Point, can perhaps be identified by residents of the locality. Next day they continued eastward to Trespalacios bay, returned, rounded Half-moon Point and proceeded east.

On the fifteenth they entered a small inlet, and then continued east to a lagoon (15, 16) at the mouth of a large river which formed a delta. This stream was clearly the Colorado. Cárdenas called it the Trinidad, no doubt thinking it was the stream bearing that name

which De León had crossed in the interior. On the sixteenth they ascended the eastern mouth of the river some ten or fifteen miles to a point (18) near Beadle, and returned by the westernmost channel till stopped by a raft of drift logs, whence they turned back, descending by another channel. Continuing eastward up Matagorda bay for a short distance on the seventeenth, they then turned back, coasting Matagorda peninsula, looking for an outlet to the gulf, and crossed to the west side of the bay, where they camped near Point Connor (25).

With this camp as a base, several days were spent in exploring and sounding the channel. While here a soldier died and his body was thrown into the bay. Finally, on the twenty-ninth, they crossed the bar into the gulf, and set sail for Vera Cruz, which they reached on the ninth of December, after an absence of fifty-nine days.

Anyone who will take the trouble to compare a modern map with that made by Cárdenas will be struck by the accuracy of the latter, and will be filled with admiration for the engineer's skill. . . .

The bearing of the Cárdenas report and map upon the location of La Salle's colony is obvious. They simply settle the matter once for all and without argument. The settlement was on the Garcitas river and not on the Lavaca, as has been supposed. This I realized as soon as I studied the map, as must everyone conversant with the conditions of the problem. But I had the curiosity to see the locality, to test more minutely the work of Cárdenas, and, although the proof in no way depended upon this confirmation, to see if perchance the site of the colony was still marked by archeological remains and was known to local tradition.

Accordingly, on July 3, 1914, I left Austin for the Garcitas river. Going next day from San Antonio by the Southern Pacific railroad, and passing on the way gatherings of people participating in barbecues and other holiday activities, about 1 p. m. I stopped at Placedo station, having before me the prospect of taking the midnight train to Ben West, some fifteen miles east on the Brownsville road, and on the Garcitas river there to wait for daylight and the assistance of the local inhabitants. But a little inquiry at Placedo made it clear to me that the place which I was seeking was on Keeran ranch, and that I must see Mr. Claude Keeran, owner of the ranch and a lifelong resident of the place. I made bold, therefore, to call him up by telephone, introduce myself, and tell him of my errand. He was interested at once, and generously volunteered to co-operate. At his suggestion I rode out seven miles that night in a wagon with Mr. Vickers, who was boring a well on the Keeran ranch, spending the night in the camp as Mr. Vickers' guest. Next morning as we were eating breakfast, Mr. Keeran, accompanied by his foreman, Mr. Charles Webb, came in his automobile, and together we spent the forenoon going over Cárdenas' ground, with copies of his map and the accompanying report in hand.

Conversation at Placedo with Mr. J. S. Webb, who for years had ridden the Keeran ranch, had elicited the fact that on a bank overlooking the Garcitas river were ruins known in the neighborhood tradition as "The Old Mission," but otherwise unexplained. Mr. Keeran confirmed this report, took me to the spot, and informed me that, like most "old sites" in the Southwest, it had long been an object of attention to treasure seekers. It is exactly where Cárdenas' map shows La Salle's settlement, on the west bank of the Garcitas river, about five miles above its mouth, and on the highest point of the cliff-like bank of that stream. The place is between Malden Mott and Letts's Mott, but considerably nearer the former than the latter. The spot is the vantage point of all the country round. To the south, west, and northwest, stretch indefinitely the great level prairies, now sprinkled with a recent growth of mesquite, but in La Salle's day an open prairie dotted with buffalo herds. In front lies a beautiful little valley through which winds the Garcitas river, a good sized stream, from a hundred to a hundred and fifty feet in width, and still navigable with a launch for a number of miles above its mouth. On the other side the valley is hemmed in by a range of low hills which, off to the northwest, fade away into the great plain lying east of Victoria. The choice by La Salle of the spot for his colony is no cause for surprise. A careful comparison of the topography of the valley with Cárdenas' map and description showed that he had delineated correctly every important bend in the stream, and had even placed on his map west of the river and below the French fort the small lagoon now known as Red Fish lake.

The archeological remains of the settlement, so far as we ascertained, are not extensive, but they are palpable and of certain character. Before we went to the site Mr. Keeran stated that years ago there were distinct remains of an ancient wall, but feared they had entirely disappeared. But he was mistaken in this, for we easily found the wall, then just visible above the surface of the ground, and without any digging were able to trace it for many feet. The wall is made of large, red, adobe-like blocks, apparently of baked red clay. Subsequently, Mr. Keeran has found it to be two and a half feet thick and to inclose an area ninety feet square.[1] From the surface of the ground I gathered a handful of small fragments of antique blue and white porcelain. The story of the finding of the "vases," which made its way into the daily press, is a pure fiction of the reporter, for which I am in no way responsible. Mr. Keeran told me, with full circumstantial details, of the unearthing on the spot, some thirty years ago, of half of an immense copper kettle, nearly a yard in diameter. It was exhumed at dead of night by a party of treasure hunters, who were working under the direction of

[1]Letter from Mr. C. A. Keeran, August 26, 1914. He writes me that in addition he found a carving fork, crockery, pottery, a bullet, spikes, and a coal pit.

a fortune teller and were frightened away by uncanny sounds. Mr. Keeran states that the kettle remained neglected on the site for several years and then disappeared. . . .

One of the tests of a scientific hypothesis is whether it is contradicted by or harmonizes with individual phenomena. As might be expected, the substitution of truth for error on this fundamental point of the location of La Salle's fort dispels several other difficulties which have arisen regarding early expeditions in Texas. The San Marcos river described by De León as from three to six leagues east of "The River of the French," has been taken by students to be the Colorado, a stream which in fact is a good fifty miles away. The San Marcos referred to was obviously the Lavaca, as shown on Cárdenas' map. Starting with the Lavaca as the site of the French fort, Joutel's report of La Salle's last expedition to the eastward raises difficulties regarding the streams at every part of his journey. But with a correct start his itinerary is easy to follow. Starting too far east, students have come out too far east in locating the place where La Salle was murdered, placing it on the Neches or the Trinity, instead of on the Brazos.

One point further remains to be dealt with, lest misunderstandings creep in. For two or three years after the destruction of La Salle's colony its site was frequently visited and was temporarily occupied by the Spaniards, as a base of operations in the interior of Texas. Later on, in 1722, it became the site of what was intended to be a permanent Spanish settlement. A fort was built by Aguayo square on the site of the one which had been erected by La Salle. We are sure of this, because in digging the trenches Aguayo's men unearthed numerous remains of the French establishment. The Spanish fort was given the name of Nuestra Señora de Loreto. Across the river was established the mission of Espíritu Santo. Four years later the fort and mission were moved northwest to Mission Valley, near the present Victoria, and in 1749 were transferred to the San Antonio river, to become the nucleus of the present city of Goliad. Thus, the relics on the banks of the Garcitas mark the site of both La Salle's colony and the Spanish *presidio* of Loreto. The walls still visible are probably the remains of the Spanish rather than the French fortification.

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CHAPTER IV

THE SPANISH OCCUPATION OF EAST TEXAS

By R. C. Clark

[In 1714 the French trader, Saint Denis, established a settlement at Natchitoches, on Red River, and then crossed Texas to the Rio Grande in the hope of arranging a trading connection with the Spanish settlements in northern Mexico. The westward movement of the French and Saint Denis's proposal alarmed the Viceroy of Mexico and he ordered an expedition to march from Coahuila to East Texas and establish settlements there to serve as a barrier against the farther westward march of the French.

The selection which follows is from Clark's "Beginnings of Texas," 61–69. See Garrison, *Texas,* 26–85; H. H. Bancroft, *North Mexican States and Texas,* I, 602–635; Barker, Potts, and Ramsdell, *A School History of Texas,* 21–46; Bolton, "Native Tribes about the East Texas Missions," in *Quarterly* of Texas State Historical Association, XI, 249–276, and "The Spanish Abandonment and Reoccupation of East Texas, 1773–1779," in *Ibid.,* IX, 67–136; Shelby, "St. Denis' Declaration Concerning Texas in 1717" and "St. Denis' Second Expedition to the Rio Grande, 1716–1719," in *Southwestern Historical Quarterly,* XXVI, 165–183, XXVII, 190–216.]

The similarity between the advance movement [of 1716], as outlined in the plan of the council of war, and those of 1690 and 1691, is evident at once. In this instance, as in the former ones, fear of French encroachment furnished the incentive. Now, as then, a small body of soldiers was sent forth with a few friars to establish missions among the Tejas Indians, and to keep watch on the French; and now, as then, these establishments were to be far from any base of supplies, unconnected by any line of forts or settlements with the frontier presidios [forts] of Mexico, and dependent for existence on the good will of the natives.

The disastrous ending of their former missionary efforts had taught the Spaniards little. The emergency was greater than in 1690 or 1691, but the energy put forth to meet it was less. . . . In 1690 the French offered no real menace to Spanish interests. . . . But by 1715 a different state of affairs existed. The French were established at the mouth of the Mississippi. For several years they had been sending their traders westward to explore the country and traffic with the Indians, and were beginning to feel and to assert a paramount title to the lands discovered by La Salle. They stood upon the very threshold of Spanish territory, and were threatening at any moment to enter and take possession.

With their rivals thus established, active, energetic and aggressive,

the Spaniards could not, as in the former instance, allow their missionary and colonizing enthusiasm to expend itself in a single ephemeral effort. They must follow up the first expedition with others. They must found not four missions, but as many as would be needed to secure them in possession of the country. Each mission must have, not two soldiers, but as large a garrison as was necessary to protect it from the savages and from the advancing French. They must secure and fortify a port on the Texas coast. They must be at all times active and vigilant. In this constant and growing necessity for watchfulness and activity on the part of the Spaniards of Mexico lay the best promise of a permanent occupation of Texas.

Moreover, the missionary program of 1715 differed in one significant respect from those of 1690 and 1691. If the Spanish had not brought many lessons out of the costly experimenting of Father Massanet, they had learned one of considerable value. The failure of the first missions among the Tejas had been due largely to the evil conduct of the soldiers. Unmarried men, and adventurers merely, they had been little disposed to settle down soberly and industriously to the routine of mission life, and instead of aiding the friars in their noble work, hindered them rather by their vicious lives.

To prevent a recurrence of this evil it was determined, in the later movement, to send with the priests, as far as possible, only men of family, who would be more circumspect in their conduct, and who would go with the expectation of making homes for themselves in the new country. With wives and mothers in the company, and actual settlers equipped with agricultural implements—plows and hoes —and oxen, the expedition began to look, in a degree at least, like a sane attempt to occupy and colonize the eastern wilderness.

On the 30th of September the viceroy, the Duque de Linares, appointed Domingo Ramón captain of the soldiers and leader of the expedition. Saint Denis must have made a favorable impression on the Spaniards, for he was offered a place in the company of Captain Ramón which he accepted, receiving the title of *cabo camboyador* (chief guide), at a salary of five hundred dollars a year.

If an answer was made to his proposition to open up trade in cattle, nothing of it appears in the record, and we can not be sure that he went so far as to broach the subject of a general commercial treaty. Apparently, in entering the services of Mexico he gave up the original object of his journey. It is possible, however, that he was merely shifting from one expedient to another. The traffic in horses and cattle was to have been only an introduction to a larger trade. If he could accomplish his purpose more easily and directly by employing other means, he was willing to alter his plans accordingly.

The establishment of the missions would bring the Spaniards nearer to the French, and would furnish a more convenient market

for his goods. Moreover, by assisting in founding the missions he might reasonably hope to gain the friendship of the Spanish, and thus render it easier to carry out his plans of trade. The right of the French to the vast territory of Texas he seems to have been willing to waive, if thereby he might better his own material fortunes and those of his patron.

The defection of Saint Denis to the service of the Spanish was no doubt influenced to an extent also by an *affaire de coeur* [love affair] in which he became involved soon after his arrival upon the Rio Grande. While he was at the presidio of San Juan he fell in love with the granddaughter of the commander. The attachment was mutual, and nothing but the necessity that Saint Denis was under of proceeding to the City of Mexico prevented a speedy consummation of their desires. As soon, therefore, as he could come to an understanding with the high officers of the government he returned to the presidio to celebrate his marriage with Doña María, and to await there the coming of Captain Ramón and his company.

He had time to enjoy but a few weeks of conjugal felicity. February 17, 1716, Captain Ramón set out from the Villa de Saltillo, leaving behind six soldiers as an escort for the friars who were to come later. On the 3d of March the padres overtook the company and they all proceeded northward toward the presidio of the Rio Grande, halting at several villas and missions along the way. As a result of the bad financial policy of paying in advance, six of the soldiers deserted before they came to the river, taking with them their horses and the money they had received. Supplies of all kinds, such as goats, meal, corn, etc., were collected along the road. At the Mission de la Punta, Padre Hidalgo and three other friars joined the party.

They arrived April 18 at the presidio of the Rio Grande, where Diego Ramón, the father of Captain Domingo Ramón, was in command. Here they halted for a day to collect more provisions. The 20th was consumed in putting across the river more than a thousand head of cattle and goats. They were delayed at the Rio Grande until the 27th, waiting for the friars, who had been detained by the illness of Fray Antonio Margil de Jesús, chief of the Zacatecas friars. Here Isidoro Felix de Espinosa, president of the missions around San Juan, joined the company as director of the Querétaro friars.

Captain Ramón, while they were in camp at the river, made a list of all the persons in his company. The religious party consisted of five friars, one lay brother, and one lay friar, besides Espinosa and Hidalgo already mentioned. Captain Ramón, his son, and Lieutenant Diego (grandson of the elder Diego Ramón), and twenty-two soldiers formed the military escort. Of these soldiers five were married, and one married en route. The Frenchmen in the party were Saint Denis, Jalot, and one other. In addition to the military and

religious contingents there were two men with their families and thirteen unmarried men, who were going out apparently as prospective settlers and traders. These, with seven married women, one girl, two children, a negro and five Indians, constituted the company, which counted a total of sixty-five persons.

On the 27th of April, Father Margil being still unable to travel, the company set out from the Rio Grande. Saint Denis, acting as guide, led the way over the northern and more direct route, afterwards known as the Old Presidio Road.

The details of the journey need not detain us. On the 5th of May they halted to celebrate the marriage of Lorenzo Mercado, a soldier, and Anna Guerra. They camped on the 14th of the same month at some springs, to which they gave the name of San Pedro. These springs were at the source of the San Antonio river. Captain Ramón noted the spot as one most suitable for the building of a city, and Father Espinosa sees in it a suitable one for a mission.

They found the Colorado swollen by recent rains, and crossed it with difficulty, after ascending some four leagues. Beyond the Colorado they found buffaloes in abundance, and from them easily provided meat to supply the entire company. After they had crossed the Brazos, which they called the San Xavier, they found the Indians becoming more numerous, for they were approaching the country of the Tejas. Everywhere the natives manifested great joy when they learned that the Spaniards were returning to live among them.

Captain Ramón, in his *Derrotero* [journal of the march], has much to say of the beauty of the country. The Guadalupe river, he thinks, more beautiful than can be imagined. There were lakes filled with fishes; game of all kinds in abundance; streams bordered with umbrageous trees; vines in profusion, loaded with half-ripe grapes; pastures with grass so luxuriant that the horses could hardly be made to travel through it; valleys flanked with cedars, willows, sycamores, live oaks, walnuts and lofty pines; and fields of watermelons and maize, from which the Indians, in token of their friendship, brought ripe melons and young corn.

Saint Denis made himself useful to Captain Ramón as an interpreter, and his great influence with the Indians was helpful in securing for the Spaniards a kindly reception. He went on in advance of the company to the Tejas tribes, where, according to the plan, the first mission should be established, and gave notice of the approach of the Spaniards, returning soon at the head of a mounted delegation of chiefs. Captain Ramón received them with proper ceremony, the flaunting of banners and the firing of guns, and when they had all smoked the pipe of peace the Indians led the way to their village. On the way thither they met a larger body of natives, who came to meet them, bearing gifts of maize, watermelons and tamales, which they heaped together in a pile before the Spaniards.

Captain Ramón, with reciprocal courtesy, ordered cloth, dishes, hats and tobacco to be distributed among the Indians. Then by means of an interpreter he addressed them, telling them that the Spaniards had come to look after the welfare of their souls, and to bring them to a knoweldge of the Holy Law and to a recognition of the authority of King Felipe V, who, by the hands of the Duque de Linares, viceroy of New Spain, had sent them these gifts as a token of his love. He instructed them, also, for the good of the government of their people, to select from their number one who should be their captain general.

The Indians thereupon withdrew to confer together, and in a short time sent forward the youngest of their great chiefs as the one whose rule they could the most easily endure. To him were given the *baston* and Captain Ramón's own jacket as insignia of his rank and office.

When these courtesies and ceremonies were finished the journey was resumed. On June 20 they came to the spot where the first mission of San Francisco de los Tejas had been established by Father Massanet in 1690. Captain Ramón, the friars, and some of the Indian chiefs set out to find a site for the new mission. They selected a spot four leagues farther inland than the original mission, because it was the choice of the Indians themselves. On the 3d of July the new mission of San Francisco was established upon the site selected, in the village of the Nacoches, the chief of three tribes for whom this mission was to be the religious center. Father Hidalgo, the only representative of the friars who more than twenty-five years before had worked among the Tejas, was placed in charge of the mission.

Other missions were soon afterward established. The second, Purísima Concepción, was placed at the pueblo of the Asinais, nine leagues northeast from the first; and the third, Nuestra Señora de Guadalupe, was nine leagues southeast from Concepción, in the village of the Nacogdoches. These three missions stood on the road by which the French had made their incursions into Texas and were thus intended to guard against further trespass. A fourth, called San Joseph, was established among the Noaches, seven leagues northeast of Concepción.

Later, when the Spaniards discovered the presence of the French on Red River, they built two other missions still farther east and southeast, among the Adays and Ays. The one among the Adays, founded in the spring of 1717, and called San Miguel de Linares, was only eight leagues from the French post at the Nachitoches. The one among the Ays was called Nuestra Señora de los Dolores.

In all this work of building churches and dwelling houses for the *religiosos* Captain Ramón found the Indians very diligent and skillful and pleased to give assistance.

Concepción was nominated the capital of the missions founded

and to be founded by the Zacatecas friars, with Fray Antonio Margil de Jesus as president. Of the six missions already mentioned, three, namely, Concepción, San Miguel de Linares, and Nuestra Señora de Guadalupe, were placed in his charge. Of the other three, and of all others that should be established by the Querétaro friars, Fray Isidore Felix de Espinosa was made president. It was agreed between the two presidents that each religious fraternity should draw its converts from the tribes in its own immediate territory, that there might be no conflict.

An Indian captain general was chosen by the community of Indians for each mission, and his election approved by Captain Ramón. In like manner a governor and an alcalde were chosen for each pueblo; a treasurer was appointed from the friars at each mission, and a garrison was left for the protection of each establishment.

Thus a sort of polity was created under Spanish control. The motive was not more religious than political. Here were six missionary settlements planted in the heart of the Indian country. They were widely separated, and each stood in the center of a populous tribe. Thus the Spaniards endeavored to occupy and control as much territory as possible. They could not, of course, expect with a few scattered and feeble garrisons to resist a determined advance of the French; but they could, from their several posts, maintain a watch upon their enemies, and keep the home government informed of their movements. And in the meantime the work of converting the natives to the Christian religion and the Spanish allegiance could go on.

Within reach of the missions were some four or five thousand Indians. To convert these, and to discipline them so that they might be effectively employed in the event of a conflict with their rivals, was the task the Spanish priests and soldiers set themselves to accomplish.

The significant facts may be briefly summarized by way of conclusion. The Saint Denis expedition, from the viewpoint of the French, was a business enterprise growing out of the commercial policy of Antoine Crozat and his agent, Cadillac; it was in no sense military or political, but sought merely to secure for the French of Louisiana a freer and more profitable trade arrangement with Mexico.

The same business motive no doubt led Saint Denis, when he failed in his first effort, to accept service with the Spanish and to assist to introduce their friars and soldiers into territory which might, with much justice, have been claimed as French. The missionary and colonizing expedition of 1716 was the immediate result of the presence of Saint Denis and his companions in Mexico; the rulers of New Spain were again brought to fear that the French would supersede them in the lands east of the Rio Grande.

Both in its plan and purpose, as well as in the motive which occa-

sioned it, the *entrada* [expedition] of Captain Ramón resembled those of León and Teran, respectively, in 1690 and 1691. But there were two notable differences. The presence of women in the company, and of men equipped for active settlement, gave it the aspect of a permanent colonizing enterprise. The elements which in the earlier effort at settlement had offended and irritated the Indians were at this time, to a great extent, absent; and instead of being jealous and hostile, the natives were constantly friendly, and willing to assist the Spaniards in whatever way they were required.

But the most important difference lay in the changed attitude of the French. Instead of an abandoned fort and a few refugees scattered among the Indian tribes, Captain Ramón found the rivals of Spain settled upon Red River, and facing aggressively westward. To have withdrawn again would have meant surely to abandon Texas to the French.

Moreover, to make permanent the missions established among the Tejas tribes it was necessary to go further, to extend the sphere of occupation, and to make a greater show of strength. To this end a mission and a presidio were soon to be established upon the San Antonio River, a half-way house between the remote settlements on the Neches and Sabine, and the outlying settlements of Mexico; to facilitate communication by sea with the home government, a post was to be established on San Bernard Bay; and in order that they might better control the Indians and repel the advance of the French, the garrisons of the several missions were increased to an effective force. This time there was to be no retreat.

CHAPTER V

A DESCRIPTION OF MISSION LIFE

Translated by Mattie Austin Hatcher

[Spanish frontier settlements were usually made up of three units—a mission, a fort or *presidio,* and a town (*pueblo* or *villa*) of civilian inhabitants.

The selections which follow are translated from the manuscript report of an inspection made in 1727. Read: Garrison, *Texas,* 53–66; Barker, Potts, and Ramsdell, *A School History of Texas,* 29–38.]

I. Mission San Antonio de Valero [1]

On October 15 of this present year, 1727, Fray Miguel Sevillano de Paredes, visiting commissary of the missions included in this presidency of Rio Grande del Norte, under a commission from our very reverend father, Fray Fernando Alonzo de González, retired rector and censor for the Holy Tribunal of the Inquisition for the whole of New Spain, concluded the inspection of Mission San Antonio de Valero, including the missionaries as well as the buildings and other temporal possessions of the said mission. He found them all absolutely according to the inventories.

The inspection was made in execution of the order of our very reverend father, the commissary general, in which His Reverence called for a statement of the number of converts in each mission, of its farming implements and livestock, of the crops that are gathered each year, and of the spiritual and temporal developments.

Because His Reverence demanded everything requisite for the exact account which must be submitted to the very Reverend Father and be examined and inspected with the greatest care and fidelity, he ordered the books for the administration of the holy sacraments and those containing lists of the Indians to be brought before him.

After having made an inspection of everything mentioned above —with the inventories before him—he ordered that a new check be made so that he might be sure about them and thus give a true and accurate statement concerning them. This was required in the case of all the missions. This having been done, he found the mission in the following condition:

[1] The Alamo was the chapel of this mission.

Indians in the Mission.—This mission, San Antonio de Valero, has seventy families, composed of three nations—namely, Xarames, Payayas, and Yerebipianos. These seventy families contain 273 Indians of both sexes. Of these 273 Indians, only 164 are faithful Christians. The other 109 out of the 273 are unconverted. They are being catechised and are quite contented among the faithful Christians. There were many more Indians but 127 of the adults who were baptized and prepared for this sacrament have died, as well as 30 baptized children. All of this is shown by the books of administration and by the lists of the Indians. Besides the Indians named above, there have been many more but they have run away into the woods. The reason for their flight will be given in the report which will be made of the mission of Nuestra Señora de los Dolores de la Punta.

Nations Adjacent to the Mission.—The Indian nations adjacent to Mission San Antonio de Valero are the following:

The nation of *Las Sanas,* which, according to the examination that has been made, consists of 200 Indians, more or less; the nation of los *Magayes,* which must also have about 200 Indians; and *Ranchería Grande,* which is made up of various nations. The Indians at *Ranchería Grande* are not all heathens. There are many Christians there, those who have fled from the missions having gone to that *ranchería. Ranchería Grande* is beyond the Trinity near a place called Navasi. The *Sanas* nation is beyond the two rivers called Los Brazos de Dios. *Los Magayes* are at present located with the nation of *Las Sanas.*

Requirements for Catechism and Education.—The requirements touching catechising and educating the Indians as well as administering the holy sacraments, both to the Indians as well as to the Spaniards, will be given consideration when the conditions at Mission La Punta are reported. The same practice is followed at all the missions.

Farming Equipment at the Missions.—This mission, San Antonio, has 21 yoke of oxen, 24 plows, 61 large hoes, 34 hatchets, 12 iron shovels, 5 hoes, 8 crowbars, and 12 scythes. It has a forge for mending this equipment as well as the necessary tools, yokes, whips, and straps for the yokes.

Cattle.—This mission has upwards of 307 head of branded cattle and 132 unbranded calves, a total of 439 head.

Sheep.—This mission has 272 head of goats, 210 head of sheep, and 70 head of young goats and lambs, making in all 542 head.

Draft Animals.—This mission has 11 horses, 12 mules, and 22 burros. The mission has a registered brand for branding the live stock.

Annual Crops Harvested.—As regards the crops gathered each year, a definite statement cannot be given, because the crops vary according to the season each year. It can only be said that on an

average Mission San Antonio de Valero harvests 700 bushels of corn and little or no beans and other vegetables. This is the case at present. The reason for this scarcity is the great number of mice and insects which destroy everything as soon as it comes up. The use made of the corn will be discussed in connection with the last mission, Nuestra Señora de los Dolores de la Punta.

Progress of the Missions In Temporal Matters.—This mission was first founded in the immediate vicinity of Mission San Juan Bautista and Mission San Bernardo del Rio Grande, under the name of San Francisco Solano. The Indians deserted that place on account of the lack of water. A mission was founded for these deserters in another place about 15 leagues from the Rio Grande, under the name San Ildefonso.

In this place there were but few Indians. . . . They begged that another mission be founded. It was located three miles from San Bernardo, where a pueblo called San José was established for them. In that place they had but little water. . . . The missionaries made a report to his excellency, the viceroy, Duque de Arión y Marqués de Valero.

Upon seeing the report of the missionaries, the Marqués de Valero issued orders and instructions for a mission to be placed on the San Antonio River. The order of the viceroy was carried out. A new mission was established under the protection of ten soldiers which his excellency ordered stationed there. In these moves much of what the mission had for its use was lost. This last mission was established with only five Indians. This was ten years ago.

Afterwards an attempt was made to gather in the Indians of the Xarame nation. They had left Mission San José and had scattered about in the woods in the vicinity of the San Antonio River. After the Xaranamis were all gathered in, they sought and invited others to come in; to-wit, the nations of the Payayas and Yerebipiamos, mentioned above. These, with other nations—such as the Muruabes and Paguaches—have since come in. All of these—both the living and the dead—go to make up the number mentioned above.

The pueblo was located about two gunshots from where it now is. The missionaries lived in a little fortified tower and in huts up until the year 1724, when a furious hurricane came and destroyed all the huts and did a great deal of damage to everything. The mission was therefore moved to a better site, where it now is.

Three good-sized cells and a granary have been built. Another cell is being constructed of stone and adobe and a convent is thus being started. Other substantial huts have been constructed for sleeping quarters and for other necessary purposes. The *ranchería* where the Indians live has also been built.

Between 1724 and the present time an irrigating ditch has been

dug from the river and opened so as to distribute the water over the cultivated fields. This ditch is about one league distant from the mission. It took four years to bring the water to the land, for all of the work of digging had to be done with crowbars in the presence of and at the request of the missionaries. Especially was this true of Father Fray José González, who was the one who labored hardest at this work for he realized that irrigation for the fields was the essential thing, or better said, the foundation without which there could be no mission.

A stone church has not yet been built, but the materials for it have been collected for starting it. By the time this report reaches our very Reverend Father commissary general it will already have been begun.

The building now used for a church is a hut. However it is large, neat, and clean, has a good door, and is very comfortable. The work will continue without loss of time until the pueblo, built entirely of flat-roofed houses, is finished. The mission, thanks to God, is being improved from year to year, as far as temporal things are concerned, due to the continued interest of the missionaries.

Upon the development of the temporal welfare depends the continued presence and obedience of the Indians. Upon this the spiritual edifice is founded. Without this temporal improvement the most important thing in the mission—the church—could not have been founded. It has already been pointed out that it has been three years since the pueblo was founded at this site—a better location than the one where it was before, two gunshots distant.

This time [the three years] and even more has been spent in constructing the ditch—a necessary thing in order that the Indians might plant their crops. So it was not possible to gather materials for the church while they were engaged in this task. Besides it may be pointed out that this location is near the Apaches and it is found that they come to the mission. As a matter of fact they have hindered the work on the irrigation ditch.

As soon as it was possible work was started on the adobe and stone living quarters in order that the missionaries might be protected from the attacks of the wild Apaches, and because it has always been the intention to build the church entirely of stone, substantially and symmetrically. It has been necessary to gather suitable materials and to secure a master workman who understands the business. It has been impossible to get such a workman, because masons are afraid to come to these dangerous regions, although efforts have been made to get them. It has not been easy to get materials for building; but little by little they have been brought together until there is now enough assembled to begin with. This is the substance of the replies of the missionaries when I interrogated them.

Account of the Spiritual Progress.—This mission has everything necessary for public worship, both sacred vessels and ornaments for the mass as well as everything proper for the administration of the holy sacraments—as is evident from the inventories. Everything is clean, neat, and orderly, as has been noted. The Christian doctrine is taught daily, each morning. In the afternoon the fundamentals of the doctrine of Father Ripalda are explained in the simplest terms possible on account of the ignorance of the Indians and their lack of understanding. . . .

Efforts have been made to induce the Sanas nation to abandon their barbarous ways of living and to unite with our Holy Roman Catholic Mother Church; but it has not been possible to induce this nation or others to come in. The reason for our not being able to congregate them and the reason for the flight of many Indians, both neophytes and catechumens, and for the fugitives staying in the woods, I will give in the report concerning the last mission [La Punta].

Many of the baptized Indians confess and receive the sacraments even oftener than the annual obligations in the matter require. They come to hear mass not only on feast days but most of them hear it on market days. Of these, some do so from their own volition and others are induced to do so by gentle persuasion. The holy sacraments are administered to all the Christian Indians. The sick and dying are especially cared for in spiritual matters and in the matter of supplying their bodily needs.

Effort is made to clothe all the Indians, the goods they use being secured for them from the alms which His Majesty, the King supplies for the support of the missionaries. Concerning this I will have more to say later.

The spiritual needs of the soldiers and the citizens of the presidio are met absolutely without charge. This is well known to all and it has always been the custom.

This is the report of Mission San Antonio de Valero and it is true, correct, and in legal form, the visiting commissary having assisted in inspecting and examining everything. Because it is true, he signs it, before me the present secretary, on October 16, 1727.

Fray Miguel Sevillano de Paredes, *Visiting Commissary.*
Before me,
Fray Francisco Bustamante, *Secretary of the Inspection.*

II. Mission Nuestra Señora de los Dolores de la Punta

On November 11, 1727, Father Fray Miguel Sevillano de Paredes, visiting commissary of the missions of this district of Rio Grande, made an examination of this mission of Nuestra Señora de los Dolores de la Punta where there are twelve families of two nations—to wit, the Pitas and the Pajalves. These twelve families contain fifty per-

sons of the two sexes. All these individuals are Christians, having been baptized at the mission. This mission really has [under its jurisdiction] forty families, of whom nineteen or twenty are Christians, the rest being unconverted; but they are all runaways and are fugitives in the woods. Of them I will speak later. Two hundred and sixty-nine baptized persons are known to have died in this mission. Of these two hundred and five were adults and quite ready for the sacrament. Sixty-four were children. A greater number have died, both of adults and children; but, when the Tabosos attacked this mission, which occurred in the month of September, 1714, the records as well as other things were lost, so that the necessary information on this point is now lacking.

Nations Near This Mission.—The nations in the vicinity of Mission La Punta are the following:

The Pauzanes, which has about a hundred Indians. This nation is about forty leagues from this mission, on the other side of the Rio Grande to the eastward and lower down.

The Pacoa nation. This is a large nation, containing more than three hundred Indians. They are located to the northward about thirty leagues from this mission.

The rest of the Indians are wild Indians of different nations. There must be about four hundred of the two nations mentioned. With the rest of the nations just named, there must be not less than eight hundred Indians.

Equipment of the Mission.—This mission has twelve yoke of oxen, fifteen plows, twenty grubbing hoes, twenty axes, two crowbars, one shovel, six hoes, and the necessary number of quirts.

Cattle.—The mission has eighty-six head of branded cattle and, in addition, twenty-seven yearlings ready for the next branding, making in all one hundred and thirteen head.

Sheep and Goats.—Mission La Punta has ninety head of sheep and five hundred and seventy goats on the range. There are two hundred kids and young lambs. These with the stock on the range amount to eight hundred and seventy head. These are the common property of the mission. Besides this nine hundred head of goats have been distributed among the Indians who are known by experience to be dependable. These with the eight hundred and sixty belonging to the mission herd amount to nine hundred and fifty head of sheep and goats.

Other Stock of the Mission.—This mission has eleven gentle horses, six mares, three mules, and two burros. It has a registered brand for branding the stock. It had more stock but the hostile Indians carried away thirty-three head on May 3 of this year.

Crops Gathered Each Year.—Crop statistics can not be given exactly for this mission. There is more reason for vagueness in this mission than in others, because to the uncertainties of the seasons

must be added the fickleness of the Indians in their work and in their permanence. For this reason little or nothing is gathered in some years. Sometimes the weather is not favorable; and when it is favorable, little is gathered because the Indians run away and there are no hands to work the lands. Thus some years five hundred bushels are gathered, in others six hundred, others two hundred, and in others one hundred and ten, as was the case last year. Of the other products, such as beans, cotton, chili pepper, and other things there has been little or nothing gathered on account of the unreliability of the Indians and other conditions that will be mentioned. This year, during the month of September, about seventy bushels of corn were gathered to supply the Indians who are here. At the usual time for gathering the crops it is expected that more than five hundred bushels will be gathered since the patches are good.

Progress of the Mission in Temporal Matters.—This was the first mission founded by the College of Santa Cruz de Querétaro, being established in the year 1698, on November 12th. So the mission has been founded full twenty-nine years. During this time a fine church, a well-lighted altar, and a good baptistry have been built. A convent with a cloister in which there are three cells and an office has been constructed. . . . The pueblo has been built. It contains six flat-roofed houses, four adobe huts, and the *rancherías.* There is a granary for storing the grain. The pueblo has a number of little orchards belonging to certain Indians who live permanently in the mission. It has an irrigating ditch running from the hill nearby. It has tilled ground within the mission property. During these years the small number of stock given as alms have increased to the number mentioned above. The mission has a sufficient number of corrals to pen the stock. The mission has been greatly hindered by the unreliability of the Indians.

Progress of the Mission in Spiritual Things.—Mission la Punta has everything necessary for Divine worship, sacred vessels as well as ornaments for the celebration of the mass. It has everything requisite for the administration of the holy sacraments, as is evidenced by the inventories. The number of Indians named above have been baptized, those who are living as well as those who have died. The Christian doctrine is taught them every morning and in the afternoon they are taught the text of the catechism of Father Ripalda with the clearness and in the language that is suited to the limited understanding of these Indians, for they are the wildest in this district. Their ignorance results from their frequent flights into the woods, so that the missionaries are not able to instruct them in Christian doctrine and in civilized customs. The few Indians who are faithful know the Christian doctrine very well. A great number of Indians have been brought to this mission but they return to the woods and come back to the mission when they feel like it and when it suits them,

because there are no means of holding them. The holy sacraments are administered regularly to all. This is the report of this mission Nuestra Señora de los Dolores de la Punta . . . November 5, 1727.

Fray Miguel Sevillano de Paredes, *Visiting Commissary.*
Fray Francisco de Bustamante, *Secretary of the Inspection.*

CHAPTER VI

TEXAS IN 1819–1820

Translated by Mattie Austin Hatcher

[The two selections which follow describe Texas on the eve of Anglo-American colonization. The first is an official report by a military officer, Juan Antonio Padilla, dated December 27, 1819. The second was prepared a year later by the ayuntamiento of San Antonio for the use of the Texan delegate to the Spanish Córtes. They are from *The Southwestern Historical Quarterly,* XXIII, 47–68.]

I. Report on the Barbarous Indians of the Province of Texas

By Juan Antonio Padilla

A. DESCRIPTION OF THE PROVINCE OF TEXAS

The Province of Texas, whose inhabitants are the barbarians and wild beasts, with the exception of the people of Sn. Antonio de Bexar and the Presidio of Bahía del Espíritu Santo [Goliad], the only settlements of Spaniards and they are but small, is a spacious and extensive territory. It has many rivers to water it. The principal ones are the Guadalupe, Colorado, Brazos de Dios, Trinidad, and Neches with the Sabine. They are famous for their volume of water and length, along the course of which they receive a great number of rivers, *arroyos,* and springs. All these rivers empty into the Gulf of Mexico at different points; and, although there are no ports, so-called, navigation and use, aided by industry, would make them so in fact.

The land is extremely fertile, covered with all kinds of trees, especially from the Colorado river to the coast and the frontier of Natchitoches. There are immense forests of oaks, pines, cedars, and cypress of great size along the plains, for the mountain regions are unknown. It produces, in great abundance, all kinds of cultivated and wild plants, roses, and aromatic and medicinal plants, like the cisperina and others. In the woods of Nacogdoches, there is a tree from whose sap is secured sugar as good as that from the cane. On the banks of the Sabine there are chestnuts, pinenuts, and other fruits. Medlar-trees are common and nuts are abundant. Near Bexar, they gather apricots of as good flavor as those under cultivation. In all the rivers, *arroyos,* and springs there are abundant quantities of fish and other products of different kinds. Fine pearls are found in some

of them, and in all of them there are the greatest commodities and advantages for the establishment of *haciendas,* and *pueblos* of great importance. Toward the north, on the Colorado river there are *minerals* known to the Indians but not worked. Cattle, horses, mules, irrigable and non-irrigable lands are afforded to the admiration of all who have seen them, but all under the domination of the barbarians. To the north of Bexar, and for a considerable distance, the climate is very healthful because of the altitude of the country and the purity of the air. Toward the coast and frontier of Natchitoches it is subject to chills because the country is so low, so covered with vegetation —some of its being marshy—rainy at all times and especially during the rainy seasons.

On the San Antonio river at Bexar there are four missions which the priests of the college at Zacatécas had held. They are Purísima Concepción, San José, San Juan Capistrano, and San Francisco de Espada.

That of Concepción, distant one league from Bexar, has a church of hewn stone carefully constructed with arches, although it is in a bad condition because of damage by time. It has deteriorated considerably because of the absence of the priests and natives. The buildings of the convent and the other offices are in the worst condition. Of other buildings, there remain only heaps of rubbish. This mission has a large irrigating ditch, although not in use now. With it they irrigated a considerable piece of land from which they gathered crops of all kinds. For three years some citizens of Bexar have been planting these fields, but without irrigation since their poverty will not permit the expense of rebuilding the dam and cleaning the ditch. But, because that land is so rich, they have not lost their labor.

The mission of San José is one league from Concepción. It has a chapel which is well built of hewn stone although it is damaged by time through lack of repair. It owns rich ornaments, sacred vases, and much silver set with jewels and ornaments. All these show its former splendor and riches. The convent has a portion which is threatened with ruin. As for the rest, some [arches] have fallen down and others are poorly repaired by certain inhabitants settled there. . . . It has a large irrigating ditch and a considerable quantity of farming land which is cultivated with great success by these citizens. In this mission there is no lack of priests, for it has usually been the residence of the president of all the missions.

The mission of San Juan is a league from that of San José. Many settlers have lived in it for many years. The church is unfinished, although it has a chapel in which mass is said. Its buildings are almost demolished, and the best of them are in poor repair. It has an irrigating ditch and farm lands of which the settlers avail themselves.

At an equal distance is the mission of San Francisco de la Espada, settled by a small number of persons, as in the former cases. Its

buildings are in a similar state. Although it is eleven years since the death of Father Pedro Noreño, the last priest it had, the water for irrigation is still abundant and the farm land considerable in quantity and rich in quality.

These four missions are in a state of decadence for lack of repair of the buildings. Each of them, at small cost, would support a settlement of Spaniards if the lands, water, and ruined buildings were divided among those who would voluntarily present themselves as the first settlers. None of them have any Indian settlers, the principal object of their establishment. If there are any, they are but few in number and changed into casts by mixture with the settlers of Bexar. . . .

From the settlement of these missions, there would follow the advantage of increasing the population of that deserted province. The troops would have better means for securing the supply of things they use, and the settlers would secure advancement. They would aid each other mutually in their work for the preservation of the missions and in the defense against the barbarians.

B. THE BARBAROUS INDIANS OF THE PROVINCE OF TEXAS

These Indians, who are scattered over the immense territory lying between the 27th and 45th degrees north latitude and from the shores of the Gulf of Mexico to the Province of New Mexico, are known by different names. In obedience to superior orders, I describe their customs, habits, and modes of life, giving a concise statement of each one of the best known tribes, to whom is given the title of nations; and, for greater clearness, I will divide them into friendly and hostile groups.

Friendly Nations

The friendly nations are the Cadó, or Cadodachos, Yuganís, Nacogdochitos, Aizes, Vidaizes, Alibamó, Conchaté, Cható, Chatá, Orcoquisac, Nacazíl, Cocos, San Pedro, Texas, Quichas, and Nadacos.

Cadó

In this tribe, there is a leader or chief called a *Gran Cadó,* whom nearly all the friendly nations recognize as a superior. This office is usually hereditary. . . .

Considering the fact that they are heathens, the moral customs of these natives are good, since they are not ambitious like the Comanches nor deceitful like the Lipanes. They live by farming and hunting. From the former industry they obtain large quantities of corn, beans, potatoes, and other vegetables which are sufficient for their families; and from the latter they obtain a large supply of furs from the bear, the deer, the beaver, the otter, and other animals. These

they carry to Natchitoches and exchange for carbines, munitions, merchandise, tobacco, and firewater, of which they are very fond. Their houses are of straw, some are of wood, but all are well built. They enjoy social intercourse, dislike theft, and treat Spaniards well, entertaining them in their houses and aiding them in every possible manner.

They are faithful in keeping their contracts; for the merchants of Natchitoches advance them munitions, trifles, and liquors at a good rate of exchange for furs. For all these they pay punctually, in spite of the fact that there are among them foreigners who come from Natchitoches and other points of the United States for the purpose of trading their wares to the said Indians for their products. Still, there are some swindlers and scoundrels who do not pay the debts they contract.

Their language, like that of all barbarians, consists of a small number of words. They use signs and gestures with the spoken word. The dialect is difficult and almost identical with that of nearly all the friendly nations—they themselves alone know how to distinguish the different dialects.

Their knowledge is reduced to a small number of ideas so that they can barely judge of the present; and, although they remember the past, they scarcely ever provide for the future for the purpose of bettering their situation and of becoming more civilized. But due to their continuous trade with foreigners, it seems that they should not be called absolutely barbarous or savages.

They, of all the Indians, perhaps, are the most civilized. They have no recognized religion, and it may be said that they are idolaters on account of the superstitions they make use of individually and at their dances and festivities. They have an idea of God, and confess him to be the author of all creation. But their errors, resulting from these false ideas inherited from their ancestors, are many. Only the light of the gospel, spread by the holy zeal of the priests dedicated to this benevolent work can destroy their errors.

They marry by contract with ridiculous ceremonies. When a man's wife dies, he marries again. They have a knowledge of many medicinal herbs which they use for wounds and other accidents with good results; although, in their method of cures, there is always present superstition and excesses. At their dances, they drink great quantities of firewater—some of them drinking until they tumble over. In these gatherings, there are never lacking some disorders resulting in personal injuries because of their drunkenness. They raise hogs, chickens, and dogs, and have horses and mules to make their journeys and hunting trips.

This tribe is composed of about two thousand persons of all classes and sexes. Because of the commerce they have with foreigners, many of them have learned the French language, and a few the Spanish,

poorly pronounced. They pierce their noses and wear pendant silver ornaments of different kinds. They shave a part of their heads with razors, and paint their faces with vermilion and charcoal. They live in the neighborhood of the Spanish Lagoon, a very large, navigable lake connected with the Colorado river of Natchitoches, and extending almost to Vallupier, a settlement of Frenchmen, located on a small *arroyo* of this name, but which is subject to Spain. At the present time they are in the Neutral Ground.

Yuganís

The Yuganís, who live to the east of Nacogdoches, on the Neches river, at a distance of about thirty leagues, have the same customs and inclinations as the Cadó. They differ from them in being a little darker and in shaving their beards in streaks with lancets, using charcoal. It is a small tribe not exceeding 150 persons. They live by hunting and planting grains. They are poorer than the Cadó. They are very sociable Indians and very docile and primitive.

Nacogdochitos

The Nacogdochitos are near neighbors of the Yuganís, living on the same river, Neches. They are very much like the latter except in the streaks they make on their faces. They are much more given to drunkenness than the Yuganís, and consequently much poorer; although they do not fail on this account to till the soil, to construct houses, and to hunt. They number about two hundred.

Aizes

The Aizes live toward the northeast upon the *arroyo* Atoyak and about twelve leagues from Nacogdoches. They are very much like the Cadó, differing from them only in language and in the manner of shaving their heads. They number about three hundred Indians. They pierce their noses and paint their faces with vermilion. They are fond of the Spaniards.

Vidaizes

The Vidaizes live on the Trinity, below the abandoned village of the same name, about fifteen leagues to the east a little to the south. They number about three hundred Indians. They go down to Natchitoches to exchange their furs. They cultivate the soil. They treat the Spaniards well when visiting in their *pueblos*. Their customs are like those of the Cadó.

Alibamó

The Alibamó live in three *pueblos* in the same direction on the said river at no great distance from the Vidaizes. They number about six hundred Indians. They are liberal and industrious and indulge in hunting, by which they gain their livelihood. They go down to Nacogdoches with their furs which they exchange like the other Indians. They use firewater, and paint their faces. They are kind, and their customs and inclinations are not barbarous; although they are superstitious like the other Indians.

Conchaté

The Conchaté live further down on the same river and toward the east. They number about five hundred Indians. Their customs and inclinations differ in no way from those of the other tribes referred to, although they are found to be more given to the use of firewater. Some of them are seen to be gayly adorned with the plumage of birds on their heads, dressed in flowered chintz shirts, their faces painted with vermilion, and with silver pendants hanging from their noses. They have considerable trade and are great hunters without neglecting to cultivate the soil. They trade in furs with the foreigners from whom they receive merchandise and other things they may need.

Cható y Chatá

The Cható and Chatá, who live on the Sabine river, not very far from the sea, look very much like the Conchaté so far as adornment goes. They are also given to drunkenness. Many of them know French. Their customs are like those of the Cadó. Their trade in furs, with the foreigners, is considerable. These people, who live very near neighbors to each other, number about eight hundred persons. They till the soil and live in houses of wood.

Orcoquisac

The Orcoquisac are located at the mouth of the Trinity river. They number about three hundred Indians. They resemble the Yuganís; although they do not streak their faces. Their occupations are limited to hunting and farming. They go down to the seashore from whence they secure the fragments of ships and other things cast up by the sea. They know how to manage a canoe, and they are excellent swimmers. They carry their furs to Carcashú and Oppelousás to exchange with foreigners who live in those settlements, which are under the jurisdiction of the United States, and which are not far from the coast. Their customs are very good, although idolatrous.

They performed many services for the troops who were stationed at Atascocito, also called Orcoquisac, until the year 1812, when the frontier was abandoned.

Nacazíl

The Nacazíl live on the Neches river near the lagoons where it empties into the sea. They number about two hundred. Their customs are simple. They are fond of hunting and of farming. They frequent the sea coast and visit Atascocito when troops are stationed there. They are skilled in the management of canoes, and they go in them to Oppelousás and Carcashú with their products. They drink all kinds of liquors, of which they are very fond.

Cocos

The Cocos, who number about four hundred, seldom leave the coast between Bahía de Matagorda and the mouth of the Brazos river where they live without any fixed habitation. They live on fish and wild game; and, because of the little traffic they have with foreigners, they are without necessities and ornaments. However, they trade with the neighboring tribes. Their customs are not very different from those of the other Indians. By nature, they are tractable. They look like the Yuganís.

San Pedro

The San Pedro Indians live on the Trinity river above the abandoned village of this name, to the northeast, about twenty leagues. They plant crops and hunt. They have good inclinations and simple customs. They do not shave their faces, although they cut their hair in such a way as to make them different from the Texas Indians, their neighbors. They rarely go down to Natchitoches, but there is no lack of foreigners who carry merchandise to the *pueblos*. They are but little addicted to firewater. They are liberal and generous with what they have. They build their houses of straw because it is easier than wood. But their houses are large and usually neat. This tribe consists of about five hundred persons.

Texas

The Texas are near neighbors of the San Pedro Indians, living on the said river and in the same direction. There is a great similarity between these two tribes and the difference can scarcely be distinguished, except by the way they cut their hair and by the name. They number about four hundred Indians. They are fond of hunting, but they till the soil. They are like their neighbors, the San Pedro Indians, and rarely go down to Natchitoches.

Quichas

The Quichas live toward la Tortuga, which is in a northerly direction, about fifty leagues from Trinidad. They differ but little from the Texas and the San Pedro Indians. They employ themselves in farming and in hunting wild animals. They are in the habit of going to Trinidad, but their usual trips are made to Natchitoches, although foreigners do not fail to come to their *pueblos* because it is on the road to the Comanches and Tehuacanos. They number about eight hundred Indians.

Nadacos

The Nadacos live on the Sabine river above the Cható and the Chatá Indians, and near the Cadó. They number about two hundred Indians. They are darker than the latter and some of them shave their faces in streaks. They plant considerable crops and are hunters. They have a close friendship with the Cadó, whom they ordinarily accompany on their hunting trips. They are primitive and humane. They are given to the use of firewater because of their extensive trade with foreigners.

All these tribes, who live in the wooded region which lies between the Trinity river and the frontier of the United States, preserve reciprocally an inviolable peace and a perfect harmony. They, however, are strongly built, well developed, brave, and vigorous. They resist fatigue and the extremes of that changeable climate at all seasons; for they are accustomed to it. They have the particular distinction of not having joined the faction of the traitor Bernardo Gutiérrez, when, at the head of the Anglo-Americans and accursed Spaniards, he invaded the Province of Texas, having previously sent Spanish and French emissaries among them; that is, with the exception of the Conchaté who, with one hundred Indians of this nation, aided the traitors to carry the war in Bahía del Espíritu Santo and later at the battle of Rosillo; but when Gutiérrez's army had taken the plaza of Bexar and had beheaded the Spanish leaders and other officials, the Conchaté retired to their *pueblos.*

The ordinary dress of these nations is deer skins which they themselves tan. They also wear shirts of chintz or flowered goods. Their wives dress in the same way. Some of them have married foreigners. They are not so dirty nor so ugly. They might even pass as handsome, if they should be given a good and careful education—particularly the Cadó.

Hostile Tribes

The hostile tribes are the Comanches, the Lipans, the Tancahues, the Tahuayases, the Tahuacanos, and the Aguajes. They are scattered over the plains which lie between the neighborhood of New

Mexico and the Province of Texas. The first three are wandering tribes, and the others live in fixed settlements on the rivers of Brazos de Dios and Colorado de Natchitoches. In their customs, they are very different from the tribes on the frontier; although, like the Indians, they farm and hunt.

Comanches

The Comanches, who are the most numerous and who cover the greater part of that vast region toward the north, are treacherous, revengeful, sly, untrustworthy, ferocious, and cruel, when victorious; and cowardly and low, when conquered. They are inclined towards rapine and murder of their fellow-beings.

Like cowards, they mutilate the bodies of the dead and, sometimes, they eat their prisoners after torturing them to death. They are inconstant in their friendships and break their contracts for any cause. They are perfidious and disloyal. They love their liberty so much that they will not bear servitude; and to have peace with them it is necessary to subdue them by arms. It is certain that they are not reducible to the Catholic religion.

Their ordinary food is the buffalo and other animals of the chase. They also eat horses and mules [even] when not forced to. They never plant any crops. Their sole occupation is hunting and war. The rest of the time they spend in idleness and crime.

They live a wandering life and when they remain in one place it is only for ten or twelve days while their animals are grazing the land bare and they themselves are driving away all the game.

Although there are chiefs among them, that is, one in each *pueblo,* who understands war, they respect and obey him when they wish, without noting him particularly. And if they follow him to war, it is because of the love they have for murder and theft. They preserve no order or formality in leaving him or in following him . . .

They have many wives, as many as each Indian can support. Some of them have as many as eight. They are not clean. They wear only a breechclout. For the rest, they go almost naked. Only in the winter do they cover themselves with buffalo skins, which they have tanned themselves. They have great skill in arranging their hair with paints and oils, adding to the mixture some artificial braids of horse hair tied with strands of cloth which almost reach to the ground. The greatest insult you can offer a Comanche is to pull his braids.

They know no religion except idolatry with all the superstitions which the devil has suggested to them through their witches or magicians, who are not lacking among them.

Their riches consist in the possession of good horses and arms, which they will not sell, even though they be paid an exorbitant price. They do not lack silver ornaments such as jeweled swords, and

ornaments from bridles, which they steal in their expeditions and campaigns. They have never made so many of these as in the last year, due entirely to the encouragement given them by the foreigners and certain perverse Spaniards because of their covetousness, to the detriment of the provinces, as is to be explained.

Up to the year 1811, the Comanches were not so well armed, nor so war-like, nor had they penetrated into places where they are now seen. The revolution which broke out in the center of the kingdom, at that time, came to the ears of those Indians; and, since they are of a war-like nature, changeable, and treacherous, it was easy to seduce them from their allegiance to the legitimate authorities. They took advantage of the occasion when they saw the troops with other duties, and hastened to make war against the unarmed herdsmen and the peaceable settlers, robbing, killing, and seizing prisoners. In these raids, they collected a great number of animals, both horses and mules, leaving horror and devastation in this industry in the Province of Texas and on the frontiers of the other Provinces. . . .

This nation is divided into the Yambaricas and the Yucanticas. The former live to the north and west from the plains at the headwaters of the rivers to the region near New Mexico. I do not know the number of people they have. They rarely go to the coast. The Yucanticas live from the country of the Yambaricas to the region near Texas. They have ten or twelve *pueblos* governed by the person most noted for bravery, intrepidity, and ferocity. Their number, counting both the western and northern branches, may be estimated at six hundred persons. They make war against all the neighboring nations. . . At the present time, they are at peace with the Lipanes, who have always been their bitter enemies.

Lipanes

The Lipanes unite all the vices of the Comanches with those peculiar to themselves—the quality of being very astute and daring in their hostile expeditions they have acquired from the long communication they have had with the Spaniards during times of peace. Therefore, to their natural barbarity, they add a considerable knowledge of the art of war.

It has not been possible to induce them to live in fixed habitations. They love liberty and are greatly interested in their ideas of idolatry and heathen rites. They ordinarily live on game and wild fruits. They also eat horse meat when forced to do so. And, although they like Spanish cooking, they are not inclined to cultivate the soil.

In times of peace, they live on the frontiers of Coahuila, Neuvo León and Tamaulipas, pitching their camps are far as the Province of Texas. Many of them have learned to speak Castilian; although with a poor pronunciation, but they understand it very well. Their commerce is limited to tanned deer and buffalo skins which they paint

with great skill. They also sell horses and mules which they take in their round-ups.

They have many wives like the Comanches. . . This nation amounts to something like seven hundred of all ages and sexes. Many of them have learned to play cards, which they do with great skill.

Tancahues

The Tancahues live a wandering life on the margins of the Guadalupe, San Marcos, Colorado, and Brazos. In customs, inclinations, and modes of living, they are very similar to the Comanches and the Lipanes, of whom they are sometimes enemies. They are not so warlike as those Indians, but they are not entirely lacking in valor and disposition to carry on offensive warfare and to defend themselves. However, on the other hand, they are lazier and greater knaves—from this arises their poverty and misery.

They are but little inclined to the chase. They live mostly on wild fruits and fish. Their commerce is exceedingly meager because of their laziness and their scant traffic with foreigners. They are not so ferocious as the Comanches. They do not exceed five hundred in numbers.

They are idolatrous and superstitious, and have many wives. They paint their faces and arms so as to form different figures, cutting themselves with lancets, and using charcoal. At present they are peaceable because of the war they are engaged in with the other nations.

Tahuacanos

The Tahuacanos live on the banks of the Brazos, on fixed settlements, towards the northeast, about ninety leagues from Bexar. They resemble other barbarians in their moral customs, but they differ widely from them in other things. They cultivate the soil from which they gather an abundance of fruits upon which they live, together with the products of the chase to which they are also inclined. When they are at peace with the Spaniards, they receive them and treat them kindly. They are superstitious and lovers of idolatry. They have many wives. They make war against the Comanches over buffalo hunting, and against the Tancahues for stealing their crops. Their huts are of straw, but of good size and clean and well shaped. They number about eight hundred persons. They live in three *pueblos.* They trade with foreigners from whom they receive arms, ammunition, tobacco, and other merchandise. This is why they are at war with the Spaniards. Their granaries are under ground. In them, they preserve their seeds for two years. They paint their arms and faces like the Tancahues, although they use different figures.

Tahuayases

The Tahuayases live on the river Colorado de Natchitoches, above this settlement. They do not differ very greatly from the Tahuacanos, whose customs and traits they share. Like the Tahuacanos, they cultivate the soil, and are fond of hunting by which they live. They make war against the Comanches and against other barbarous nations of the north. Their houses are like those of the Tahuacanos. Some are of wood. They are accustomed to go down to Bexar. Besides, they trade with other nations. Some of these Indians are white, due to their mixture with foreigners, who are accustomed to visit their *pueblos* by way of the Colorado de Natchitoches in order to trade in furs. They number a little over one thousand.

Aguajes

The Aguajes live to the north of the Tahuayases. They are much like the Comanches in customs and habits. They trade their furs to foreigners and never visit Bexar because of the distance, and their occupation of war with the other hostile nations of the north. Their number reaches to a little more than eight hundred persons of all ages and sexes.

II. Instructions Which the Constitutional Ayuntamiento of the City of San Fernando de Bexar Draws Up in Order That Its Provincial Deputy May be Able to Make Such Representations, Take Such Steps, and Present Such Petitions as May be Conducive to the Happiness, Development, and Prosperity of Its Inhabitants

The length of this province, from north to south, is about 300 leagues of known country from [the mouth of the] Nueces River to the ———— in the Province of New Mexico. From east to west, it is about 200 leagues from the Medina to the known limits of the Province of Nueva Viscaya at its union with the United States. In this region are seen the finest and most copious springs, rivers, lakes, and lagoons, which water it and furnish life to a great number of wild but very useful products—to numerous herds of animals, cattle, buffalo, and other kinds of wild creatures, which furnish the greatest aid to subsistence, to a large number of wild horses, to countless animals of the chase, and to fish, woods, and other valuable products which promise the benefits of the best mineral ores ever seen. There are 3000 persons in the province.

The settlements which the province contains in this spacious and extensive region are only the city of San Fernando de Bexar, its capital—to which are added the presidial company of Bexar, the flying

squadron of San Carlos de Parras, and the four missions—almost abandoned, since in three of them are no more than fifteen Spanish families, and none in the other; the *presidio* of Bahía del Espíritu Santo [Goliad], near which also there are two Indian missions, almost abandoned, since the Indians live in them only during the seasons which suit them—these are all located upon the San Antonio river within the short distance of fifty or sixty leagues to the southeast; and, finally, the advanced and deserted *pueblo* of Nacogdoches on the frontier of the United States toward the east. Nacogdoches is distant from the other settlements 180 leagues.

The remainder of this extensive, immense, and spacious region composing the entire province is occupied by the different tribes of barbarous Indians, who, at all times, have been masters of the possessions and lives of the unfortunate inhabitants—but never with such tenacity and frequency as since the year 1813, at which time, after they had made away with the cattle, horses, and other property of the inhabitants within the space of a few days, killing and capturing a considerable number of persons of all ages, conditions, and sexes, they continued menacing the interior of Coahuila, the colony of Nueva Santander, and a portion of the kingdom of Nuevo Reyno de León, in such a manner that the first of these and the four northern *villas* of the second suffered the same fate as Texas in regard to their property, although, without doubt, they have had a greater number murdered and captured among their citizens.

And what nations are those who have occasioned such unheard of evils? They are no other than the Comanches and Lipanes. We do not know the reason for such neglect and tolerance by the government in not suppressing them. . . . It seems an urgent necessity that this province be given the following aid at once:

1st. By means of a respectable and well-organized campaign, the two nations, the Comanches and the Lipanes, who have occasioned so many evils in the province during these last years, should be followed until they are exterminated or forced to an inviolable and lasting peace, managing, if possible, to intrust the expedition to officials hardened to an active life, familiar with the country, and experienced in the methods of making war against this kind of an enemy. There is no doubt that this would serve as an example to restrain the other nations who, in imitation of these or in union with them, have contributed to the destruction of the province.

2d. The campaign concluded with the happy ending that we promise ourselves and have a right to expect if the troops assigned to it set out mounted, equipped, and supplied with every necessity, it is fitting that there be established a line of *presidios* to guard this frontier, extending from the old *presidio* of San Saba to that of Nacogdoches, establishing them with the necessary force. These *presidios* should be established, one at San Saba, another at San

Xavier [near the present town of Rockdale], another on the Brazos, another on the Tortuga, another on the Trinity, and the last at Nacogdoches on the frontier of the United States. It would be well for the Province of Coahuila to settle or protect—by means of one or two *presidios*—the unsettled or unprotected country from San Saba to the *villa* of San Fernando de Agua Verde, as much for its own safety as for that of the two remaining provinces, Tamaulipas and Nuevo León.

3d. This line established, it is proper that the coasts of the Bay of San Bernardo be protected by one or two *presidios* which could be, and should be, established at Atascocito and halfway between the Brazos and the Colorado rivers.

4th. For all these establishments, there are judged to be very indispensable and very necessary two thousand soldiers, with full pay and other necessary supplies, in order to attract to the settlement all kinds of people useful in these lands.

5th. To all these new establishments, as advantageous as well as fitted for the peace and safety of this and the three neighboring settlements [the settlers] should give assistance, in order that they may be effective, since they would be interested parties in the benefits which must accrue to them, contributing aid according to their means, so that in the future the evils which they are now suffering may not be experienced. . . .

6th. [We recommend] that the Port of Matagorda be aided, protected, and developed with everything necessary. . . .

7th. That the Province of New Mexico, El Paso del Norte, and other places in Neuva Viscaya be placed in communication with this province, aiding these places with some settlements or *presidios* which may be established in the short distance of 150 leagues existing between its capital, Santa Fé, and this [capital]. By this means, its inhabitants, in addition to the benefits and advantages which would result to all the kingdom, can have the privilege of importing the goods they need and of exporting the grain and other products from their territory through the said port of Matagorda in the Bay of San Bernardo, as was requested in 1812 by their deputy to the córtes, Don Pedro Baptista Pino.

8th. That all the supplies of grain, stock, and other things furnished from the year 1813 to the past year of 1819 by the citizens of this place be paid for as soon as possible in order that, in this way, they may be repaid in part for their losses and arrears from which they have suffered and so that with it they may improve their fields and the industries they may seek to promote.

9th. That restitution be made of the houses, fields, and other property which still remain unsold from those confiscated from the citizens of this place, who, in the above mentioned year of 1813, fled to the United States, doing the same with the estates sold or ceded when

claims are made to them by their original and legitimate owners according to the constitution which was in force at that time. Difficulties must arise in this restitution. These will be solved by returning to the purchasers what they gave [for the property], leaving to them the inalienable right to put in a claim for the improvements which they have made.

10th. That there be distributed vacant lands and fields for the inhabitants of the entire province upon the rivers, San Antonio, Medina, Guadalupe, San Marcos, Colorado, San Saba, and others suitable for the proposed purpose, distributing, also, the fields which belong to the four abandoned missions near this capital, except those of the mission of Concepción. . . .

11th. That for the purpose of raising new funds or for increasing those collected, there should be placed at the disposal of this *ayuntamiento,* with exact notices and reports, the proceeds from the cattle, horses, and mules of unknown owners collected since the year 1814 or 1815 up to the present time. . . .

The citizens should be permitted to round-up wild horses. This by order of the Commandant-General, Don Joaquin de Arredondo, they are prohibited from doing, because it is alleged that they wish to make this their sole occupation. The old established custom should be enforced of paying two *reales* per head, and of rounding them up only in the months from November to February or March. This rule should apply to the soldiers as well as to the civilians.

12th. That the system in practice since the above mentioned year of 1813 to the present time of maintaining in the province a strong garrison of troops useless for performing the active services of their calling which the circumstances of the day demand, has been only a certain means of consummating the ruin of its inhabitants; for the soldier, finding himself unmounted, unclothed, and without supplies—what service can he perform and how can he exist with only two *almudes* of corn which he receives every fortnight, unless, in order to maintain himself, he lays hands upon some one's cow which he kills in the fields, now upon things which he steals from the corn fields, or now, by other excesses, such as necessity forces him to commit, as is frequently seen practiced upon the public who suffer these damages. This will be remedied by furnishing the soldiers with sufficient and suitable rations or by arranging for them to retire to their own province in spite of the urgent need there is for them in this province and of the good which might result from their service, were they in the condition required for performing it instead of being forced to maintain themselves or live at the expense of the citizens.

13th. The Province of Texas is more than 500 leagues distant from the port of Vera Cruz—the first and foremost port of this America—something more than 300 leagues from the port of Altamira, eighty from the most advanced settlements of Coahuila and

Tamaulipas, and 150 or 200 leagues from the *villa* of Saltillo and the city of Monterey; and there is in circulation in it no other money than the small salary which the troops receive some months. As a result of this, the goods and supplies which its inhabitants receive from such remote distances are held at excessively increased and exorbitant prices and with the stern necessity of paying for them in cash if some merchant does not graciously supply them in exchange for grain at a price which best suits him; for, if he pays two and a half *pesos* a bushel he, thereupon, resells it at from four to six *pesos* to the same person from whom he bought it if he cannot turn it over all at once in payment of the troops at the same or at greater profits. This is as injurious to the soldier as to the civilian; because, if they had money or if [the authorities] would observe some rule in supplying grain to the troops, they would be assured of their support with greater ease, and the laborers would be benefited and would devote themselves to their work with greater pleasure.

14th. Since the inhabitants of the province have within their midst a port so excellent as is the port of Matagorda, where at first and second hand the goods needed could be received with great ease and that too, perhaps, in exchange for the products of their own soil without the necessity of expending any money whatever, we can find no reason or justice to convince us that we should be deprived of a benefit which nature has so liberally bestowed upon us. For this reason, we repeat the request for the opening of the said port in order to destroy, at its roots, the odious contraband trade across the frontier of which some of the citizens of this place are accused. We have not yet seen progress made in this manner. Yet, if some practice it, it is not from ambition to accumulate riches, but because of the miseries they suffer and the ease with which they can relieve their sufferings by the sale of any kind of horses for which there is at least fifty per cent profit in current money or in very useful goods. In this way, they supply their necessities. And, if this is the only relief these inhabitants receive, there is no reason for depriving them of it by seizing upon the contraband goods they accumulate.

15th. The missions of this province contain only the small number of 278 inhabitants. These are governed by a local *alcalde*, appointed and approved by the government and subject in all matters to its authority and ministered by a priest from the College of Nuestra Señora de Guadalupe, with the rank of president who, since he has no assistance from his stipend for the purpose of providing for subsistence, is compelled to abandon the missions at certain times to obtain alms. The two priests who serve the missions of la Bahía del Espíritu Santo do the same thing. If they were paid the proper salaries, without doubt, they would dedicate themselves to their ministry.

16th. The branded horses which are captured from the Indians

or from other enemies either by means of a campaign, a skirmish, or other military operation, should also very properly be turned over to the treasurer who may be named, in order that he may hand them over to their owners or sell those without known owners for the benefit of the fund which should be created in this city.

17th. If all and each one of the articles contained in these instruction be placed in execution and certain practice, we shall already have begun the prosperity of this province, the happiness of its citizens, and the security of the kingdom of New Spain. This we can see accomplished in no other way than by seizing the happy moment which offers us national freedom; or we will be submerged in the confused, abominable, and horrible chaos of forgetfulness and abandonment.

November 15, 1820.

To the Governor to be sent to the Deputy for the Province, Don Ambrosia Aldasoro.

CHAPTER VII

THE BEGINNINGS OF THE AMERICAN SETTLEMENT OF TEXAS

By Eugene C. Barker

[This account of the inauguration of the Anglo-American settlement of Texas is taken from Chapter III of the *Life of Stephen F. Austin* by Eugene C. Barker. For the circumstances leading to Moses Austin's application for permission to settle a colony in Texas and for Stephen F. Austin's trip to Mexico to get his father's grant confirmed, see Chapters II and IV of the same work.

Read in addition: Garrison, *Texas,* Chapter XIII; Barker, Potts, and Ramsdell, *A School History of Texas,* 61–83; and the following articles in the *Quarterly* of the Texas State Historical Association: "Journal of Stephen F. Austin on His First Trip to Texas," VII, 287–307; W. S. Lewis, "Adventures of the *Lively* Immigrants," III, 1–32, 81–107; L. G. Bugbee, "What Became of the *Lively,*" III, 141–148; J. H. Kuykendall, "Reminiscences of Early Texans," VI, 236–253, 311–30; VII, 29–64. There is a wealth of material on this topic in Eugene C. Barker (ed.), *The Austin Papers,* I, 371–600, published by the Government Printing Office, Washington.]

How long Moses Austin had the Texas venture definitely in mind and what preliminary preparations he made for it cannot be clearly determined. In a memorandum written for his younger brother some time before 1829, Stephen F. Austin said that he and his father discussed the project in 1819 after the signing of the Florida treaty, and that the farm which he opened on Red River was intended as a resting place for emigrants and a base of supply until sufficient improvements could be developed to sustain them in the wilderness of Texas. In a pamphlet which he published in 1829 he added that the location at Long Prairie proved unhealthful and investigation convinced him that the best route was through Natchitoches or New Orleans, and hence the farm was abandoned. He goes on to say that in the summer of 1820 it was agreed at Little Rock that his father should go to the capital of Texas and apply for permission to establish a colony, while he himself proceeded to New Orleans to prepare for the transportation of the families, if the petition was granted. It is doubtful, however, whether the plan was thought out so deliberately as this would indicate. A letter from Moses Austin to his younger son in February, 1820, shows a good deal of uncertainty—"I shall go down the country in the spring," he wrote, "to see your brother and deter-

mine what I shall do." And Stephen F. Austin's own letters at the end of 1820 disclaim knowledge of his father's plans.

Nevertheless, Moses Austin had had some thought of trading to Texas as early as 1813; in September, 1819, he was contemplating a trip to San Antonio; and tentative consideration of some sort of operation in the "Spanish Country" is suggested in January, 1820, by Moses Austin's requesting a friend at Washington to obtain for him a copy of the passport that he carried to Missouri in 1797. In October he was in conference with Stephen at Little Rock, and some time the next month set out for Bexar with a gray horse, a mule, a negro man, and fifty dollars in cash—a total value of $850—for which he was "to account to S. F. Austin or return them." On November 27, he was at McGuffin's, a noted landmark about midway between Natchitoches and the Sabine.

He reached Bexar on December 23, in company with his servant Richmond and two companions whom he had encountered near Natchitoches, and was subjected to a searching examination. In answer to questions, he declared that he was fifty-three years old, a Catholic, and a former subject of the King of Spain—as was proved by his passport of 1797; that with his family he wished to settle in Texas and cultivate cotton, sugar, and corn; and that he had brought with him no goods to trade, having only an *escopeta*, a pistol, two horses, some clothing for personal use, and the necessary traveling funds. In his application he added that he was a native of Connecticut and a resident of Missouri, that he was moved by the reestablishment of the liberal constitution in Spain to request permission to settle in the empire, and that he represented three hundred families who also desired to carry out the same object and thereby fulfill the King's intention at the time of the sale of Louisiana to allow his subjects to move into any part of his remaining dominions. The examination of Austin's companions disclosed that one, Jacob Kirkham, was a farmer from Natchitoches searching for four runaway slaves, and that the other, Jacob Forsai (Forsythe), was a native of Virginia who came from Natchitoches to ask permission to settle in Texas.

In his pamphlet of 1829 Stephen F. Austin gives some details of his father's reception. Governor Martinez at first, without examining his papers, ordered him to leave Bexar "instantly and the province as soon as he could get out of it." Crossing the plaza to his lodgings, Austin met Baron de Bastrop, whom he had known years before in Louisiana, and Bastrop took his documents and intervened with the governor. A second interview was allowed, the ayuntamiento was consulted, and after three days' deliberation Martinez agreed to forward Austin's application to the commandant general and recommend its approval. It is evident that Austin's former Spanish citizenship carried the day.

Texas was in that administrative division of New Spain known

as the Eastern Interior Provinces, including, besides Texas, Nuevo León, Coahuila, and Santander or Tamaulipas. At its head was the commandant general, Joaquin de Arredondo, with supreme civil and military jurisdiction over the four provinces, and it was to him that Martinez sent Austin's petition. Acting on the advice of the provincial deputation, a sort of federal council representing the provinces, Arredondo granted the application on January 17, 1821.

In the meantime Austin had returned to the United States to await the answer to his petition. He was at McGuffin's again on January 15, where he recorded in his methodical way that the total expense of himself and his servant Richmond for the trip had been $25.78. He had traveled at least part of the way back with Kirkham, whom he found to be both reckless and dishonest. Kirkham had told him before leaving San Antonio that some Spaniards wanted to return with them to Natchitoches. At the San Marcos, some fifty miles eastward, he disclosed that these men would join the party on the Colorado with a drove of mules and horses, some of them stolen from the government corral, and that he had promised to buy them. To Austin's protest that such trade, even when the animals were not stolen, was contrary to the law and the orders of the governor, Kirkham blandly insisted that he had done nothing to encourage the Spaniards nor said anything "that would induce them to bring out mules except that if they should do so, he would purchase them." Austin was desperately anxious lest the governor should suspect him of complicity in the plot and begged the governor to examine the Spaniards, who he implies were captured, to discover the truth. At the same time he wrote Bastrop that Kirkham was talking promiscuously and declaring openly that he could take goods to San Antonio in any quantity and sell them to Lieutenant Sandoval, who had a store. "I cannot close this letter," he said, "without again reminding you that both Lieut. Sandoval and yourself are in danger of being drawn into difficulty from the extreme imprudence of Kirkham."

Expecting to return to Texas permanently in May, Austin asked Bastrop to obtain permission in the meantime for him to land tools and provisions at the mouth of the Colorado. He would be accompanied by twelve or fifteen hands, for whose good conduct he would be responsible, and thought that they could in a few days make themselves safe from the Indians. He seemed confident that the petition to settle three hundred families would be granted, but implied that he would himself remove to the province whether or not the contract was allowed.

There was a tradition in Austin's family that Kirkham deserted on the way back to Natchitoches, taking with him pack animals and provisions and leaving Austin and his servant to live on roots and berries and make their way to the settlements alone. Stephen F. Austin declared that damage to his powder, which prevented him from killing

game, compelled his father to subsist for the last eight days of the journey on roots and acorns, and that Moses Austin reached McGuffin's so ill from fatigue and exposure that he was in bed for three weeks. As to the hardships of the trip there can be no doubt, for Austin himself wrote, "I have returned from St. Antonio in the Province of Texas . . . after undergoing everything but death"; and the negro, Richmond, was so exhausted that he had to be left at the Sabine with Douglass Forsythe. But there are evidently some inaccuracies in the tradition. Austin in the letters in which he tries to clear himself of responsibility for Kirkham does not mention Kirkham's desertion; and his return to Natchitoches consumed less time than the trip to San Antonio, so that he could not have lost much time from illness on the way. He was delayed after his arrival at Natchitoches, however, for he did not reach home until March 23.

He wrote his son James, who was in school at Lexington, Kentucky, that he could settle his business in a few days, and expected to be in New Orleans in May. He already had applications which would fill his colony, if the petition was allowed, and from which he expected to obtain $18,000 in fees, but he gave no details of his plans. Ten days later he wrote, "I have made a visit to St. Antonio and obtained liberty to settle in that country. *As I am ruined in this,* I found nothing I could do would bring back my property again, and to remain in a Country where I had enjoyed wealth in a state of poverty I could not submit to." He explained that the governor had granted permission for him to settle the three hundred families on a tract of two hundred thousand acres on the Colorado, but that it must be confirmed by the commandant general before it would be effective. He wanted the land surveyed before parceling it out to families, and in order to attend to that and to make other preparations for planting the colony, he planned to take a force of twenty-five men to Texas immediately. The form of contract which he made with the men of this advance guard shows the nature of the preparations that he had in mind. In return for transportation and subsistence until January 1, 1822, they were to build a house, enclosure, stockade, and block house, and to fence and cultivate "a piece of untimbered land in corn" and gather the crop into corn houses. Each "emigrant" should furnish himself with a good Spanish carbine for defense and should pledge himself to respect the king and constitution of Spain. Austin would provide farming tools, mules, and oxen, and at the end of his service would give each man six hundred and forty acres of land and five bushels of corn from the store houses. It did not, apparently, occur to his sanguine mind that the season would be too far advanced when they reached Texas to raise a crop of corn. Another of his plans was to lay off at the mouth of the Colorado the town of Austina, which he thought would in a few years equal New Orleans "in consequence if not in wealth."

During April and May he worked feverishly to arrange his tangled affairs. On May 22 he wrote Stephen F. Austin in New Orleans that he hoped to finish his business in a day or two, and instructed him, if possible, to obtain a vessel and prepare it for the voyage to the Colorado without delay. About the middle of the month he had received notice of the confirmation of his grant, and wrote with elation, "I now can go forward with confidence and I hope and pray you will Discharge your Doubts as to the Enterprise . . . Raise your Spirits Times are changing a new chance presents itself."

But he had never recovered from the exposure and exhaustion which he suffered on the return from Texas; he had overtaxed himself in his efforts to get back. A few days after writing the letter just quoted, he went to Hazel Run, the home of his daughter, Mrs. James Bryan, and was stricken by pneumonia. He was attended by Dr. John M. Bernhisel, a youthful disciple of the celebrated Dr. Physic of the University of Pennsylvania, who "blistered and bled most copiously" and temporarily relieved him, but on June 10 he died. Almost his dying request was that Stephen F. Austin should carry out his vision. "He called me to his bedside," wrote Mrs. Austin, "and with much distress and difficulty of speech beged me to tell you to take his place and if god in his wisdom thought best to disappoint him in the accomplishment of his wishes and plans formed for the benefit of his family, he prayed him to extend his goodness to you and enable you to go on with the business in the same way he would have done."

Moses Austin was enterprising, industrious, and of indomitable energy, but it is doubtful whether he could have accomplished the task to which he set his hand. It required deliberateness, patience, tact, ability to make allowances, diplomacy of a high order. He was, as we have seen, impetuous, irascible, belligerent, even litigious in defense of his rights—all of which would, on the one hand, have kept him in a state of perpetual warfare with the frontiersmen of similar qualities who formed the colony, and on the other hand have rendered him entirely unfit to pilot the settlement successfully through the labyrinth of Mexican suspicion and jealousy.

Besides his father's injunction to discharge his doubts, there is a good deal of evidence to show Stephen F. Austin's hesitation to enter the Texas venture. In April, 1820, he wrote his brother-in-law from Arkansas: "I shall remain here this summer, and after that it is uncertain where I shall go. If my father saves enough to support him and you get through your difficulties, . . . I shall be satisfied." In June he wrote again: "If my father should come to Little Rock you may tell him that I wish to go to the mouth of White River to live if I can take anything there to begin with and if that cannot be done I shall go down the Mississippi and seek employ." Though he accepted Governor Miller's appointment

to the judicial bench in July, at the end of August he was in Louisiana and apparently intended to remain there, for on December 2 a correspondent expressed the hope that Austin would soon be permanently settled in his new situation. January 20, 1821, he wrote his mother that he knew nothing of his father's objects or prospects, though he understood that he was to return to Natchitoches in February. As to himself, he had gone to New Orleans to get employment: "I offered to hire myself out as a clerk, as an overseer, or anything else, but business is too dull here to get into business. There are hundreds of young men who are glad to work for their board." In this situation, he had met Joseph H. Hawkins,[1] a lawyer, whose brother he had known at Lexington, and Hawkins had offered to teach him law, boarding him and lending him books and money for clothes.

> An offer so generous [said Austin] and from a man who two months ago was a stranger to me, has almost made me change my opinion of the human race. There are however two obstacles in the way; one is that I shall earn nothing to help you with for at least 18 months; another is that perhaps those I owe in Missouri may prosecute here. . . . It will take me 18 months to become acquainted with civil law which is in force in this country and learn the French language—that once done I then shall have the means of fortune within my reach. I am determined to accept of Hawkins' offer.

In the meantime, he was assisting in editing the *Louisiana Advertiser.*

This plan was changed by Moses Austin's success in Texas. His letter of May 22 indicates previous correspondence with Stephen, but none of it has survived. It is evident, however, that they understood each other, and we know that it was Moses Austin's proposal which brought Hawkins into the Texan undertaking. On receipt of his mother's letter of June 8 telling of his father's desperate illness and one from James Bryan repeating his father's prayer that he would carry out the colonization contract, Stephen on June 18 departed for Natchitoches on board the steamboat *Beaver* to meet the escort which Governor Martinez had dispatched to accompany Moses Austin back to San Antonio. That his preparations were already made is shown by the fact that he took with him from New Orleans "eight or ten" men to explore the province, and picked up another of his party, William Little, at the mouth of Red River on the 20th. He anticipated the death of his father, and arranged with Hawkins to open his mail and notify him by special messenger if it should indeed occur.

He arrived at Natchitoches on the 26th and found Josef Erasmo Seguin, J. M. Berramendi, and several other "Spaniards"—traders one suspects—waiting. His party set out on July 3. . . .

[1] Colonel Bryan erroneously says that Austin and J. H. Hawkins were classmates at Transylvania University.—*A Comprehensive History of Texas,* I, 445. Hawkins had been speaker of the Kentucky house of representatives, 1810–1813, and had succeeded Henry Clay in Congress in 1814, when Clay was appointed to the commission to negotiate the treaty of Ghent, closing the War of 1812.

Seguin wrote Governor Martinez from the Guadalupe that Austin's party then numbered sixteen. They impressed him as men of consequence with whom the governor would want to make a good showing, and he suggested that comfortable quarters be prepared for them. . . .

Martinez received Austin very cordially, recognized him without demur as heir to his father's concession, and entered into detailed arrangements for the establishment of the colony, authorizing him to explore the lands on the Colorado and sound the river to its mouth, and to introduce provisions, tools, and farming implements duty free through the port of San Bernard, which had just been legalized by the commandant general. Austin must be responsible for the good character of the immigrants, admitting none without letters of recommendation from their previous places of residence; and until the government could organize the local administration they must "be governed by and be subordinate to" Austin. On the 18th Austin presented a memorandum of a plan, no doubt previously discussed, for distribution of land to the colonists, and, subject to slight modifications by the superior government, Martinez formally approved it the following day.

The ten days spent at San Antonio were busy and full of interest. Besides his conferences with the governor, Austin entered into some tentative plans with Bastrop and Seguin to acquire control of the Indian trade; engaged in a mustang hunt; and recorded in his Journal an Indian raid in which one Indian was killed. On the 21st he resumed the road, escorted for a time by the governor, Bastrop, and Berramendi. His route lay along the San Antonio River, and the first day's march took the party to the mission of San Juan de Capistrano. In his journal, which he kept very sketchily at this stage, he commented on the missions and the irrigation system. Arriving at La Bahía on Sunday, the 26th, he presented his credentials to the alcalde the next day and requested guides, as he had been instructed to do by the governor. . . . On the alcalde's advice Austin engaged Manuel Becerra, one of the *regidores* of the town. . . .

Traveling along the Opelousas road about sixteen miles to Coleto Creek, the party turned down this to the Guadalupe, which it followed to the head of San Antonio Bay From this point, on September 7, Austin told the guide to go to the old site of the mission and presidio of Bahía. Becerra struck due east, although the place he was seeking was near the mouth of Garcitas Creek almost directly north. After going fifteen miles, he brought up on the shore of one of the inlets of Lavaca Bay. After wandering around the western shore of the bay for several days, Austin decided that his guide knew nothing about the country and dismissed him. It appears from Becerra's report on his return to Goliad, however, that his ignorance arose from the fact that while Austin's permit only authorized him

to explore the Colorado, he seemed to be carefully mapping the valley of the Guadalupe and the coast. Continuing northeastward, Austin struck the Colorado between the present towns of Columbus and Wharton, followed down the river some thirty miles, and turned northeastward again to the Brazos, which he reached on the 20th near the site of San Felipe, where he later established his capital. Here he divided the party for two days to explore both sides of the Brazos, and on the 22d set out for Natchitoches, where he arrived October 1.

In his trip to San Antonio and in his subsequent explorations he traversed the region now covered by twenty-three counties, and gained a very fair impression of the lower course of the San Antonio, Guadalupe, Colorado, and Brazos rivers. In this vast region there were only two villages, with a total population, according to the governor, of 2,516 souls. These were San Antonio and La Bahía, or Goliad. Nacogdoches had been, prior to the revolution and the filibustering expeditions which began in 1812, a town of nearly a thousand people, but war and rapine scattered the inhabitants, and when Moses Austin passed through in the fall of 1820 it was entirely abandoned. A few stragglers and American squatters from the vicinity were collected by Seguin and given a local organization in the summer of 1821; and scattered here and there along the Sabine and Red Rivers were isolated families. Of the four missions near San Antonio, one was deserted, three were occupied and the land cultivated by families from the town, but all were in a state of dilapidation approaching ruin. The two missions near La Bahía were still maintained, but the priests had no real authority, and the Indians came and went at will. There were a few soldiers at La Bahía and a strong garrison at San Antonio, but the ayuntamiento complained that, unmounted, unclothed, and without supplies, they were useless in the field and a nuisance in barracks, where they were compelled to eke out a meager subsistence by thieving from the citizens. The pay of the soldiers furnished most of the specie in circulation at San Antonio. The governor apparently winked at the departure of an occasional drove of horses and mules for Natchitoches and was equally blind when venturesome travelers arrived with pack animals loaded with tobacco, flour, clothing, shoes, and other comforts of civilized life. Austin found money "tolerably plenty" at La Bahía because of the trade "from Natchitoches to the coast," but the town was in a state of ruin, and the people lived very poorly, owning a few cattle and horses which had escaped the Indians and raising some corn—"little furniture or rather none at all in their houses—no knives, eat with forks and spoons and their fingers." It was absolutely necessary for the nation to make some effort to populate the province, Governor Martinez said, and the easiest and least expensive way to do it was to offer sufficient inducements to bring foreigners quickly to the country; hence his welcome to Austin.

From Natchitoches Austin made to Martinez a full report of his reconnaissance, outlined the boundaries which he desired for the colony, and submitted his final plan for distributing land to the settlers. While he expected to confine the settlements to the Colorado and Brazos valleys and the land between, the reservation which he requested was much greater—from the mouth of the Lavaca to its source, thence along the watershed between the Guadalupe and Colorado to a point six leagues above the Bexar-Nacogdoches road, then parallel with the road to the Brazos-San Jacinto watershed, down that to the sea, and along the shore to the point of beginning. He had given much thought to the method of distributing land and the quantity to be allowed settlers, and while in San Antonio proposed, as we saw, a scale that Martinez approved. Reflection now caused him to submit slight changes. He proposed to allow a man, whether married or single, six hundred and forty acres, and, in addition, three hundred and twenty acres for a wife, one hundred and sixty for each child, and eighty for each slave. The total for a man with wife, child, and slave did not differ greatly under the two plans, but the man's headright—and therefore the allowance to single men—was reduced from nine hundred and sixty to six hundred and forty acres. The original plan had contemplated a town lot for each settler, but he now decided to restrict the lots to mechanics, merchants, and professional men. This method of division, he explained, was better proportioned to the men of property and conformed to the section, half-section, and quarter-section grants to which the settlers were accustomed in the United States.

Fifty or more families from the vicinity of Nacogdoches had agreed to move to his grant in November and December, he said, and since he could not be there to receive them, he had appointed an agent to supervise them and prevent overlapping locations. He also appointed Josiah H. Bell, one of his former associates in Arkansas, to exercise temporarily in the settlement the duties of a justice of the peace. He found at Natchitoches nearly a hundred letters from Missouri, Kentucky, and other western states, and was convinced that he could settle fifteen hundred families as easily as three hundred. Since Martinez desired the rapid settlement of the province, Austin proposed a plan which he thought would bring this about. Let the government appoint a commissioner, or superintendent, of immigration who knew conditions in the United States and the character of its inhabitants, as well as the quality and situation of the lands in Texas—himself in short—and a surveyor general, who, though independent of the commissioner, would act only on certificates furnished by him, and leave to these two officials the administration of such colonization regulations as the government might wish to prescribe. The distance to San Antonio, the expense of the journey, and the uncertainty and difficulty of dealing with the govern-

ment in a language which they did not understand would deter the best class of immigrants from risking the venture. His proposal would meet this difficulty, and would at the same time be a convenient one for the government, which would have to deal only with the commissioner and the surveyor. The commissioner—and presumably his colleague as well—should be authorized "to exact from each settler a sufficient per cent on the land granted to compensate him for his trouble and expense in attending to the business." Martinez approved the plan and recommended to his superior its adoption and the appointment of Austin, "because he is a subject already known and who during his stay in this city gave the impression of being a man of high honor, of scrupulous regard for formality, and of desiring to learn how to discharge faithfully the duties proposed by his late father." As we shall see, however, the recommendation was rejected.

Two permits to settle in his colony that Austin issued while at Natchitoches add certain details of his plan which do not appear in his letter to the governor. To Josiah H. Bell, who on October 6 received a grant for himself, his wife, two sons, and three slaves according to the scale set forth in the letter to Martinez, Austin stipulated that the land must be occupied and cultivated within a year and that for the privilege of settling Bell should pay him $12.50 per hundred acres, half on receipt of title and the other half twelve months later. Austin obligated himself to obtain the title and to pay surveying charges and other fees. To William Kincheloe on the 16th he granted an extra six hundred and forty acres without payment of the twelve and a half cents an acre, in return for the erection of a mill. Thereafter it was a common practice, subsequently authorized by law, to augment grants in recognition of public service, and in proportion to ability to improve the land.

By November 10 Austin was back in New Orleans to make his final arrangements. He bought a small vessel, the *Lively*, which Hawkins fitted out, and engaged a number of emigrants to sail to Texas, sound the coast from Galveston Island to the Guadalupe, land at the mouth of the Colorado, build a stockade, plant and cultivate five acres of corn, and remain in his service until December, 1822, when he would give each of them six hundred and forty acres of land and half the yield of his crop. In the meantime, he agreed to furnish tools and work animals and to pay their living expenses while in his service. He signed with Hawkins a contract formalizing their previous agreement, by which Hawkins pledged $4,000 to inaugurate the colony and Austin promised Hawkins half the land and other profits derived from the undertaking. He had already written from Goliad in August the substance of the terms which he proposed to allow settlers, and his letters, appearing in the newspapers of the Mississippi Valley, had aroused great interest. He now published his offer in final form.

Settlers would receive the quantities of land indicated in his letter to Governor Martinez from Natchitoches—mechanics and men of capital being allowed additional land and privileges "in proportion to their capacity to be useful." In return they must take the oath of allegiance to the Mexican government, pay Austin twelve and a half cents an acre for the land, which he would deliver free of all other fees and expenses, and settle and cultivate a part of the grant by January, 1823. Nobody would be admitted who did not "produce satisfactory evidence of having supported the character of a moral, sober, and industrious citizen." In accordance with his instructions from Martinez, Austin signed himself Civil Commandant of the Colony.

Details of the return to Texas are lacking. Austin probably left New Orleans on November 25. He was certainly back at Nacogdoches on December 17, whence, no doubt, he proceeded immediately to the interior. During his absence a few families had moved into his grant, but our information concerning them is very scant. Evidently few of the "fifty or more" families of whom he wrote to Martinez from Nacogdoches in October had moved. Toward the end of November four families were camped on the west bank of the Brazos at the crossing of the La Bahía road, near the present site of Washington. The first to arrive was Andrew Robinson's; the others were those of three brothers, Abner, Joseph, and Robert Kuykendall. During December several other families joined them. About Christmas Robert and Joseph Kuykendall and Daniel Gilleland proceeded along the La Bahía road to the crossing of the Colorado and planted the first settlement on that river, near the present Columbus. The other Kuykendall brother and Thomas Boatright moved a few days later some ten miles west of the Brazos, and on January 1 established a settlement on New Year's Creek on land which they had previously explored. About the same time Josiah H. Bell settled on the Brazos some five miles below the La Bahía road. During January and February the movement into the colony was very brisk. This was natural, of course, because it was necessary to leave the United States after gathering one crop and arrive in Texas, while it was still a wilderness, in time to plant another. Of Austin's own journey from Nacogdoches there is no record. He spent January and February searching for the party that the *Lively* was to land at the mouth of the Colorado, which, as it really landed at the Brazos, he did not find, and then he went to San Antonio to report to Governor Martinez. At the time of his departure, March 3, he said that there were fifty men on the Brazos and a hundred on the Colorado, building cabins and planting corn to be prepared for the coming of their families in the fall. He knew then of but eight families already arrived.

For several months the fate of the *Lively* was a subject of grave anxiety to Austin. He went to San Antonio and then to Mexico City still fearing that the vessel was lost. Rumor spread among the early

colonists and later crystallized into a tradition that the ship was lost, and Yoakum records in his *History of Texas,* published in 1856, that after sailing from New Orleans "she was never heard of more." The essential facts in the history of the unfortunate little ship can be briefly told. It was of thirty tons burden and cost Austin $600, most of which was provided by a loan from Edward Lovelace, one of the men who had accompanied him in the exploration of the past summer. It sailed toward the end of November, laden as we know with tools, provisions, seed, and seventeen or eighteen emigrants, instructed to sound the Texas coast and land in the Colorado. On December 3 it sailed past the mouth of the Brazos, and on the 23d returned there and landed the cargo and passengers. What it had been doing in the meantime we do not know. It then sailed southward to make soundings, and at least some of those left behind expected it to return, but they never saw it again. Instead, it arrived in New Orleans some time prior to February 6, took on another cargo and more passengers, and returning was wrecked on the western shore of Galveston Island, with the total loss of the cargo. The passengers, among whom was Thomas M. Duke, were taken off the island by the schooner *John Motley* and landed at the mouth of the Colorado. The party on the Brazos, disappointed at not finding Austin, divided into two groups, one commanded by Edward Lovelace and the other by William Little, both of whom knew something of the country through the exploration of the previous summer. While Lovelace pursued a vain search up stream for a settlement, Little remained below to watch the stores. When Lovelace returned, the reunited parties, living on game, tried to raise a crop of corn. The severe drought of 1822 defeated these efforts, and, finally discouraged, all but two or three drifted back to the United States. Though the history of the *Lively* was well known to the early settlers, Austin's failure to find the first immigrants and the subsequent loss of the vessel became confused in the memory of later arrivals. This accounts for the legend of its mysterious disappearance with all on board.

At San Antonio, fresh from the disappointment at the mouth of the Colorado, another shock awaited Austin. Martinez had acted without consulting his superior in recognizing him to succeed his father; and having personal knowledge of the wilderness condition of Texas, of the difficulties of travel and communication, and realizing that immigrants must have permanent grants immediately in order to build shelters for their families and plant food crops, without which they would surely starve, he approved, as we have seen, Austin's schedule for distributing land and endorsed his suggestion for the appointment of an immigration commissioner. At Monterey, however, a hundred leagues to the south, the commandant general and the provincial deputation had no such conception of these practical problems, nor did they share the Texan executive's eager desire for the improvement of his

province. They replied, therefore, to Martinez's report of what he had done that Austin must "not distribute lands, appoint judges, nor assume any authority whatever," but that in all cases he should make known his wishes to the superior government (themselves) and await its decisions, and in the meantime the immigrants must be settled provisionally on land designated by the nearest ayuntamiento.

At the same time the new government in Mexico had begun the consideration of a colonization policy for Texas and the Californias. Knowing the genius of his people for punctilio, Martinez could foresee occasion for infinite inquiry and delay concerning Austin's contract, and he advised him therefore to go to the capital and endeavor to get it confirmed. This was a totally unexpected and very distressing contingency. Besides feeling keen responsibility for the immigrants whom he had brought and was bringing to Texas and who it now appeared might suffer great delay in obtaining land, Austin's financial resources were far too limited to undertake such a trip lightly. With little hesitation, however, he set out, after appointing Josiah H. Bell to assume general direction of the incoming colonists. His passport was issued by Martinez on March 13, it was *viséd* at Monterey on April 10, and he arrived in the city on April 29. Between San Antonio and Monterey the Indians were a continual menace, and beyond Monterey the country swarmed with bandits. From San Antonio to Laredo he traveled with two companions, Dr. Robert Andrews and a man named Waters. Six miles west of the Nueces a band of fifty Comanches surrounded them and seized all their belongings, but upon learning that they were Americans released them and restored all their property except four blankets, a bridle, and—of all things—a Spanish grammar. At Laredo Austin thought it prudent to await the departure of a considerable company which was traveling his road to La Punta, but from Monterey southward he had but one companion, a veteran of Mina's expedition going to Mexico to apply for a pension as a reward for service in the war for independence.

From the Medina River to Laredo, Austin described the country as "the poorest I ever saw in my life, it is generally nothing but sand, entirely void of timber, covered with scrubby thorn bushes and prickly pear." Laredo was "as poor as sand banks, and drought, and indolence can make it." For the rest of the journey, no one, he thought, who had read Humboldt could travel through it without great disappointment. A country more miserable than that between Monterey and the capital he hoped did not exist anywhere else in the world—the Choctaw Indians lived in luxury in comparison. However, the country possessed great resources, and these combined with the enthusiasm growing out of the successful struggle for independence and the general harmony which prevailed, offered, in his judgment, "pledges of future greatness and prosperity." Of the capital he wrote after a residence of ten weeks:

This city is a truly magnificent one, as regards the external appearance of the buildings, and altho I at first thought it not larger than New York, I now think after a better examination that it is larger than any city in the U. S. and much more populous. The population however is very much mixed and a great proportion of them are most miserably poor and wretched, beggars are more numerous than I ever saw in any place in my life—robberies are frequent in the streets—the people are bigotted and superstitious to an extreme, and indolence seems to be the order of the day. In fact the City, Magnificent as it is in appearance is at least one century behind many others in point of intelligence and improvements in the arts and the nation is generally in the same situation.

CHAPTER VIII

TERMS OF THE MEXICAN COLONIZATION LAWS

[Stephen F. Austin arrived in Mexico City at the end of April, 1822, seeking confirmation of the permission that his father had received to settle three hundred families in Texas. Exactly a year later the government approved the grant and made a contract with Stephen F. Austin to settle the three hundred families. The government agreed to make each family a free gift of 4,605 acres of land and to give Austin 99,630 acres for his services in settling the three hundred families. Austin was the only empresario who was granted a contract on such terms.

The two documents which follow show the terms upon which all other colonization contracts were made while Texas was subject to Mexico.

The first document is the colonization law passed by the federal Congress on August 18, 1824. It lays down a few general provisions to which colonization contracts must conform and leaves details to the state legislatures.

The second document sets forth the generous terms upon which foreign colonists might settle Texas.

Read: Garrison, *Texas,* Chapter XIV; Barker, Potts, and Ramsdell, *A School History of Texas,* 66–82; Barker, *The Life of Stephen F. Austin,* Chapter IV.]

I. General Law of Colonization

Dated 18th August, 1824

The Sovereign General Congress, assembled for the purpose of framing the Constitution of the United Mexican States, has decreed as follows:

Art. 1. The Mexican Nation offers to those foreigners who may be desirous of settling in her territory security for their persons and property, provided they obey the laws of the country.

Art. 2. This law relates to those lands, national property, which, as belonging to no individual, corporation or town, may be occupied by settlers.

Art 3. For this purpose the Congresses of the States shall as speedily as possible frame laws or regulations for the colonization of those lands which appertain to them, conforming in every respect with the fundamental constitutional Act, the General Constitution, and the regulations established by this law.

Art. 4. No lands lying within 20 leagues of the boundaries with any foreign nation, nor within 10 leagues of the coast, can be occupied by settlers, without the previous approbation of the Supreme Executive Power.

ART. 5. If, with a view to the defence or security of the nation, the government of the federation should think fit to occupy any of the lands, in order to construct magazines, arsenals, or other public buildings, it is empowered so to do, with the approbation of the general Congress, and during its recess with that of the Council of Government.

ART. 6. Until 4 years from the publication of this law, no impost shall be levied for the admission of those foreigners who may come for the first time, in order to settle in the nation.

ART. 7. Until the year 1840 the general Congress shall not prohibit the admission of foreigners to colonize, excepting, indeed, circumstances should imperiously oblige it so to do, with regard to the individuals of any nation.

ART. 8. The Government, without defeating the purposes of this law, shall take those measures of precaution which it may deem expedient for the security of the federation, with regard to those foreigners who may come to colonise.

ART. 9. In the distribution of lands a preference is to be given to Mexican citizens, and between them no other distinction shall be made than that to which individual merit, or services rendered to the country, may justify, or, where in other cases a parity exists, residence in the part to which the lands appertain.

ART. 10. Those military men who, agreeably to the offer of the 27th March, 1821, have a right to lands, shall be recompensed on presenting the documents with which the Supreme Executive Power shall for that purpose provide them.

ART. 11. If, according to decrees for paying off the principal according to a calculation of the probability of the length of life of the incumbent, the Supreme Executive Power should think proper to alienate any portions of land in favour of any public servants of the federation, military or civil, it is empowered so to do, with the government lands of the territories of the Republic.

ART. 12. In the possession of no individual shall be allowed to be united, as his own property, more than one square league of 5,000 yards of lands fit for irrigation, 4 of arable land not irrigated, and 6 of pasture land.

ART. 13. The new settlers are not permitted to transfer their property to religious communities.

ART. 14. This law guarantees the contracts which speculators [empresarios, or contractors] may make with those families which they may convey at their own expense, provided they are not contrary to the laws.

ART. 15. No one who in virtue of this law obtains possession of lands, can hold them if settled out of the territory of the Republic.

ART. 16. The government agreeably to the principles established in this law shall proceed to colonise the territories of the Republic.

The Supreme Executive Power is hereby made acquainted with this

law, and will take the requisite measures for its fulfilment, directing that it be printed, published, and circulated.—Mexico, 18th Aug. 1824.

II. Law for Promoting Colonization in the State of Coahuila and Texas

Decree, No. 16. The Congress, assembled for the purpose of forming the Constitution of the Sovereign and Independent State of Coahuila and Texas, desirous of augmenting by all possible means the population of its territory; of encouraging the cultivation of its fertile lands, the raising of stock, and the progress of arts and commerce, in exact conformity with the Act on which the Constitution is founded; with the federal Constitution; and the basis established by the Sovereign Decree of the general Congress, No. 72; decree as follows:

Law of Colonization of the State of Coahuila and Texas

Art. 1. All those foreigners who in virtue of the general law of the 18th August, 1824, by which security for their property and persons is offered in all the territory of the Mexican Nation, may be desirous of establishing themselves in any of the towns of Coahuila and Texas, are hereby permitted; that the State invites and proposes to them so to do.

Art. 2. Those who shall do so, far from being in any way molested, shall be secured by the local authorities of the above mentioned towns; which shall allow them full liberty to engage in whatever honest calling may suit them, as long as they duly obey the general laws of the nation, and the ordinances of the State.

Art. 5. The foreigners of any nation and the native Mexicans may undertake to form new settlements on lands belonging to the nation . . . but the new settlers, who may demand admission into the nation, must prove, by certificate from the authorities of the place from whence they came, that they are Christians, and also the morality and propriety of their conduct.

Art. 7. The government shall take care that no settlement be made within 20 leagues of the boundaries of the United States of North America, and 10 leagues along the coast of the Gulf of Mexico, except such as shall obtain the sanction of the Supreme Government of the Union: for which purpose it shall forward to it every petition on that head, made by Mexicans or foreigners, adding to it whatever remarks it may deem expedient.

Art. 8. All projects for establishing colonies, on which one or more persons may offer to bring, at their own expense, 100 or more families, shall be presented to the government, which, if it finds them agreeable to the law, shall approve of them, and immediately mark out to the projectors [empresarios, or contractors] the lands which they are to occupy, and the number of years allowed them for pre-

senting the number of families for which they have stipulated, under penalty of forfeiting the rights and benefits offered them in proportion to the number of families they shall omit to provide, and the grant shall be wholly annulled should they not present, at the least, 100 families.

ART. 9. This law guarantees all contracts made between the projectors [empresarios] and the families brought at their expense, insofar as they are in conformity with its provisions.

ART. 11. A square [league] of land, of which each side is one league of 5,000 yards, or, what is precisely the same, 25,000,000 yards of surface, shall be named a lot, and shall be considered as the unity in counting one, two, or more lots: thus, also, the unity in counting one, two, or more subdivisions [labors] shall be 1,000,000 yards of surface, or a square of 1,000 yards each side, which is the measure of one subdivision: the yard used in these measurements shall be three geometrical feet.

ART. 12. Supposing the quantity of land above stated to be the unity, and a division of the land being made, when distributed into grazing lands and those adapted for tillage by means of irrigation, or not requiring irrigation;—This law grants to such projector or the projectors of plans for colonization, for each 100 families which they convey and establish in the State, 5 lots [leagues] of grazing land, and 5 subdivisions [labors], of which at least one-half shall be arable land, not requiring irrigation; but they shall only receive this premium for as many as 800 families, even if they should introduce a greater number; nor shall any fractional number, be it what it may, which does not amount to 100, give them a right to any recompense, even in proportion to its amount.

ART. 13. If any one or more projectors shall, on account of the families they have conveyed, obtain, agreeably to the preceding article, more than 11 square leagues, the whole of the land shall be granted to them, but they shall be under the obligation of selling the surplus [the excess above eleven leagues] within 12 years; and should they neglect to do so, the proper civil authorities shall do it, selling it at public auction, and delivering to them the net proceeds, after deducting all the expenses attending the sale.

ART. 14. To each of the families included in a project of colonization, whose sole occupation is the cultivation of the land, one division [labor] of land shall be given; should it also breed cattle, it shall receive also of grazing land a sufficient quantity to complete one lot [league]; and if it only breeds cattle, it shall have of grazing land an extent of 24,000,000 superficial yards [that is, a league less one labor].

ART. 15. Bachelors shall on marrying obtain a similar quantity, and those foreigners who marry Mexican women shall have one-fourth more; but all those who are alone [unmarried] or forming a part of no family, whether they are Mexicans or foreigners, must content

themselves with one-fourth part of the above-mentioned portions, nor will any greater quantity be allowed to them, and the allotments will be assigned to them in this proportion.

ART. 16. The families, and single men, who having performed the journey at their own expense may wish to join any of the new settlements, shall be permitted to do so at any time; and their assignments of lands shall be to each individual the same as those mentioned in the preceeding articles; but if they do so within the first 6 years of the establishment of the colony, one more subdivision [labor] shall be given to each family, and each bachelor, in lieu of the one-fourth which the 15th Article designates, shall receive one-third part.

ART. 17. The government is empowered to augment the assignment mentioned in the 14th, 15th, and 16th Articles, in proportion to the number of persons in each family, and to the industry and activity of the colonists, in conformity with the information relative to those points conveyed by the municipal authorities and the commissioners; but the government must always bear in mind the purport of the 12th Article of the decree of the General Congress on this point.

ART. 22. The new colonist shall, as a species of acknowledgment, pay to the State for each lot [league] of pasture land, 30 dollars; 2½ for each subdivision [labor] of arable land not irrigated, and 3½ dollars for each one [labor] of irrigated land, each in proportion to the kind and quantity of land which has been allotted to him; but the payment of those sums shall not be made in less than 6 years after their settlement, and in 3 equal instalments, the first at the expiration of the fourth; the others at the expiration of the fifth and sixth years, under penalty of forfeiting their lands should they neglect the payment of any one of these instalments. . . .

ART. 26. It shall be considered that the many settlers who within 6 years from the date of their grant have not cultivated or occupied according to its quality the land which has been granted to them, have renounced their rights, and the proper civil authority shall resume the grant and the title deeds.

ART. 31. Those foreigners who agreeably to this law have obtained lands, and established themselves in these settlements, are considered from that moment as naturalized in the country, and should they marry Mexican women will be considered to have established a meritorious claim to obtain the rights of citizenship of the State, except, however, in both instances the cases provided for by the enactments of the Constitution of the State.

ART. 32. During the first 10 years, counting from the day in which settlements are established, they shall be free from every contribution [tax] under whatever denomination, excepting such as in the event of the invasion of an enemy or in order to prevent it every citizen is subjected to, and the produce and effects of the agriculture, and industry of the new settlers shall neither pay a duty on transit

or sale in the markets, nor any other kind of impost in any part of the State, excepting indeed, the dues referred to in the following Article. At the expiration of the above-mentioned period the new settlements shall bear the same imposts as the old settlements, and the colonists those paid by the other inhabitants of the State.

ART. 33. From the very day of their establishment the new settlers shall be at liberty to pursue every branch of industry, as well as to work mines of every description, previously coming to an agreement with the Supreme Government of the Federation relative to those which belong to the general revenues of the nation, subjecting themselves in the working of the others to the ordinances and laws already established, or which may hereafter be established on this subject.

ART. 34. The towns shall be founded on the spots deemed by the government, or the person it names for that purpose, most fitting, and for each of them four leagues square shall be designated, which space shall be either of a regular or irregular shape, according to the locality.

ART. 45. The government, agreeably to an arrangement with the proper ecclesiastical authorities, shall see that the new towns are provided with a proper number of clergy, and agreeably to an arrangement with the aforesaid authorities, shall propose to the Congress the salary which the new settlers are to pay them.

ART. 46. As regards the introduction of slaves, the new settlers shall obey the laws already established, and which hereafter may be established on the subject.

CHAPTER IX

THE POWERS AND DUTIES OF AN EMPRESARIO

By Stephen F. Austin

[This letter, written by Stephen F. Austin, is an excellent statement of the legal powers and duties of an empresario. It was written to James W. Breedlove of New Orleans. It gives some account also of the fraudulent speculation in Texas land that some companies carried on in the United States. In connection with this selection read Barker, *The Life of Stephen F. Austin,* 298–300. The selection is from *The Austin Papers,* II, 264–271.]

Austin's Colony, Texas,
October 12, 1829.

Sir:

I thank you for your kind disposition manifested in your letter to Mr. Williams towards this settlement; and in reply to your suggestion relative to the acquisition of land here, I deem it my duty to explain to you, somewhat in detail the nature of the colonization law, the authority given to the "Empresarios," and also the nature of the authority under which I have acted. This subject is not understood in the United States, and the consequence has been, that some persons have been greatly deceived, and even this Government has been most unjustly slandered and abused for exercising the powers and doing what it is by law compelled to do.

You are no doubt informed that the person who contracts with the Government to introduce families, or as it is commonly termed, settle a colony, is called in the law *empresario.* By explaining to you what an empresario is, you will understand this matter, and see that such projects, as published by Dennis A. Smith of Baltimore are totally incompatible with the authority given to Exter and Wilson and Company, for they are nothing more than empresarios.

The empresario is an agent who is hired by the Government to introduce a specific number of families of a certain description within a certain time, who are to be settled within certain designated limits. Should the empresario introduce the families, and should they be received by the Government Commissioner as being of the description required, *then,* and not before, the empresario is entitled to receive his pay, which is five leagues of land for each hundred families so introduced by him.

The titles for land are all issued by the Government Commissioner,

who is especially appointed for that purpose, and he *alone* has the power to survey or appoint surveyors to survey the land, and to put settlers in possession and no one, under any circumstances, can hold land unless he first removes to the country and becomes an actual and permanent settler: neither can a foreigner hold real estate at all; and should a person who has lived hard all his life, and who has a good title, sell his land to a foreigner, the whole of the property thus sold becomes public by escheating to the Government the moment such sale is made.

The empresario has no power nor shadow of power of any kind or description whatsoever, except to bring in the families. He is nothing but an agent for that express purpose; and like all other agents, he is liable to be dismissed by his employer for malpractices or neglect of duty. He is not entitled to one foot of land until he has complied with the conditions on which he was to get it; he has no claim to nor any right to dispose of one foot of land in any manner whatsoever (except his premium land and that only after he has received his title as above stated), and all the land that remains vacant within the limits assigned to the new Colony or settlement, after the specified number of families are settled, is public land and belongs to the Government, and not to the empresario, as some of them have pretended to claim.

It is truly astonishing to see to what extent this subject has been misunderstood. We see an empresario advertising in the public papers the sale of 48,000,000 of acres of land as though it was his own individual property, when, in fact, he has no more right to dispose of one foot of it than you have. This error has perhaps arisen from the want of correct knowledge of the Spanish language, which has caused the law to be misunderstood—but the misfortune is that innocent persons are misled, and the Mexican Government unjustly slandered.

I have no doubt that the contract of Exter, Wilson and Company will be annulled by the Government; for Edwards' contract was annulled for a similar reason, added to others, and the agency or empresariorship taken from him. If that is done, those men to justify themselves, will in all probability lay the blame on the Government and complain that they have been robbed of 48,000,000 acres of land.

All this is very unjust, and it is important that public opinion should be disabused in regard to it. I am, however, entirely unwilling that my name should appear in the public papers in any manner connected with this matter. I have heretofore given frank and honest advice to persons on this same subject, and have never yet failed to make an enemy by doing so, for the reason that they knew better than I did. I have interfered with none. But notwithstanding my caution in this respect, I have not escaped jealousy and censure. You know the character of North-Americans, they are taught from their infancy

to look upon all who are in office with jealousy and suspicion; and, in general, they always attribute corruption to what they do not clearly undertsand. The information contained in this letter is given to you in reply to a friendly suggestion made by you from kind and friendly motives. I saw that you did not comprehend the matter, and I deemed it a duty to lay it before you as it really is.

In order that you may more fully understand this subject, it is necessary that I should give you a sketch of the authority under which I have acted in the settlement of my first Colony. You will perceive that it was of an entirely different character from that which is or *can* be given under the present law. The application to settle three hundred families from the United States in Texas, was originally made by my father Moses Austin to the Spanish authorities in 1820 and was granted in January, 1821, about one month before the *grito de Iguala* or the revolution of Iturbide.

My father died in Missouri in the spring of 1821, a few days after he heard that his petition had been granted, and left as a last request that I should prosecute the enterprise. I came on to this country in the summer of 1821, and spent four months in exploring it and completing such arrangements as were deemed by the Government of Texas to be sufficient for me to progress with the settlement. These arrangements were all made through an interpreter, for at that time I did not understand one word of Spanish.

In the winter of '21–'22, I arrived on the Brazos with the first families—about 40, and after getting them arranged to their satisfaction, I went to Bexar to report to the Governor. On my arrival there in March he informed me that I must go to the City of Mexico and procure confirmation of my authority from the National Congress which convened in February, 1822. This was unexpected and rather discouraging, for the families were in an entire wilderness and my presence was highly necessary. I started, however, to Mexico and arrived there in April.

The various revolutions and political changes of the eventful years 1822 and 1823 detained me in that city one year before my affairs were finally dispatched. Previous to the fall of Iturbide my business was completed, and I received all the necessary documents, but not until I became convinced by the state of parties and public sentiment that the Emperor must soon fall; and I feared that in such an event a doubt might hang over the legality of his acts and those of the *Junta Instituyente* under whose enactments my business was dispatched. I therefore waited until he did fall and was dethroned and the National Congress reinstated. I then presented the documents which I received from the Imperial Government, and petitioned Congress to confirm them or do with them as that body might esteem proper. On the 11th of April, 1823, Congress passed a decree authorizing the Supreme Executive power to confirm them; and on the

14th of that month the Executive did confirm them in due form and return them to me. I then left that city for Texas.

I give this narrative to show how and whence my authority emanated. You will understand that at that time the Government of this nation was consolidated. The Federal system was not adopted and the State Governments established until about one year afterwards.

The authority given to me was to introduce and settle three hundred families from the United States or elsewhere, in certain limits of Texas. The Baron de Bastrop and myself were jointly appointed the Government commissioners to survey the lands of the settlers and issue titles to them in due form in the name of the Government. We were specially authorized to increase the quantity of land over one league to any settler, who, in our opinion, was entitled to such an increase, either by the capital which he introduced into the country or by the size of his family, and there were no limits fixed as to the extent to which we might go in making such increase of quantity.

We were entitled as commissioners to receive fees or pay for our services, and the necessary office fees and charges for writing, translating and recording, and also the surveying fees, all of which were fixed by a regulation of the Government of Texas, and were, or ought to have been paid by the settlers; for the Government allowed us nothing for our services.

I was therefore both empresario and commissioner to my first Colony. Besides this, I was specially appointed by the Supreme Government of Mexico to be the Civil Chief, the sole judicial officer, and the commandant of the militia of the new Colony, subject always to the orders of the Government of Texas, and the Commandant-General of the military department, but for these services I received nothing from the Government.

These several appointments (for they were all separate and distinct the one from the other) threw a vast burden of labor and responsibility and expense upon me individually—an expense and labor which I was not bound by my contract as empresario to bear. What rendered my situation still more troublesome and perplexing, was that the Government at that time was unsettled and shaken by frequent political revolutions and changes of systems, policy and officers, and I had to make new friends and acquaintances amongst the superior powers at every change. Added to all this, out of my office, there was not one person in the settlement who could correctly translate any law or order of the Government. I was from necessity the sole organ of communication with the Government; and as respects the local government of the settlement, the granting of lands, etc., etc., it appeared to the settlers that my authority was absolute.

It is sufficient for me to say that my settlers were North Americans, and many of them frontiersmen who had never known restraint, to inform you that I was looked upon with jealousy and

suspicion. It was the natural result of the national character of those people, and of the situation in which circumstance and necessity, and even the salvation of the settlement had placed me—and that situation also imposed upon me the duty and difficult task of bearing in silence and good humor, all the abuse and jealousy that ignorance and suspicion could heap upon me, leaving it to time to test my acts and prove whether they were correct or not. It has done so, and all are satisfied with me except a few.

I do assure you that it was a difficult task, and I may frankly confess that I would have abandoned the settlement, the settlers and the country, if no other motive than pecuniary individual interest had influenced me. My ambition was to be the means of laying a foundation for spreading an intelligent and an enterprising population over this fertile and hitherto unknown and wilderness country. Perhaps, also, I had a little pride in wishing to succeed, for I undertook this enterprise in opposition to the advice of my friends in the United States, who nearly all pronounced it visionary and impracticable.

You must pardon my egotism in speaking so much of myself, but the history of this settlement is so closely connected with *me* individually, that one cannot be clearly explained without allusion to the other, and beside it seems to account in part for some of the erroneous opinions that have spread as to powers of the empresario. Those who were ignorant of the language, or who would not or could not take the trouble of inquiring, supposed, or pretended to suppose, that I derived all my authority solely from being empresario, when, in fact, I held various distinct appointments, and those powers have been supposed to attach to the empresario, which in no respects whatever belong to him. Also, they have confounded the old National Colonization law of January 4th, 1823, which is no longer in force, with the present State law passed 25th of March, 1825.

As I have before observed, my business was despatched by the National Government, 14th of April, 1823. About one year afterwards the State governments were established under the federal system, and on the 18th of August, 1824, the National Constitutional Congress (the same that formed the Federal Constitution, and was, in fact, the Convention), passed a law relinquishing to the States the territory within their respective limits, and authorizing each State to make its own Colonization law, with the restriction that not more than eleven leagues of land should be granted to any one individual, and also that the lands within ten leagues of the coast and twenty leagues of a line of an adjoining nation, should not be colonized or granted without the consent of the President of the nation.

Under this authority the State of Coahuila and Texas passed the colonization law of March 24, 1825, which is now in force, and under which *all* the empresarios have been made, for my first Colony is

the only one that was ever granted under the law of the 4th of January, 1823. In addition to my first Colony, I made three contracts with the State Government to settle 900 families in all, on the *vacant land* remaining within the limits designated for my first Colony. One of those contracts includes the land bordering on the coast, which was granted with the special approbation of the President as the law requires. Also, in one of said contracts (the one on the coast) I was appointed commissioner as well as empresario, and in virtue of these two distinct appointments, all the powers of both were centered in me. I am the only person in whom these two appointments ever have been united, although others have only looked at what I *did* without examining my authority or attending to my advice; and have supposed that all empresarios could do the same.

A General Commissioner has lately been appointed for the whole of Texas who will shortly be on here. I presume that his appointment will supersede all other appointments of commissioners. Also a Surveyor-General has been appointed, who will be on with the General Commissioner. If you have not already procured the colonization law of this State I will send it to you as soon as it can be published in English in the Texas Gazette; and by comparing this statement with the law you will see that it is correct. It may be late in the winter before it is published for there are some other laws which it is highly important to get out in English before the elections in December, for owing to the want of a printing press it has heretofore been impossible to publish them.

The colonization business is the last on earth that any man ought to undertake for the sole purpose of making money; and no empresario will ever advance one step if no other motive than money influence him; for he will not undergo the labor and receive the abuse for all he can make—that is, he will not advance *legally*.

No empresario ever had such an opportunity of making a fortune by imposing on the ignorance and credulity of capitalists in other countries as I have had, for no one of them ever had the power that I had; but instead of leaving my settlers to shift for themselves, and instead of distorting the law to mislead others and benefit myself, I have remained here and shared the toils of settling a wilderness, and have rigidly adhered to the law and my duty to this Government. And I have also succeeded in laying a permanent foundation for the settlement of Texas by an enterprising population, and the day is not far distant when it will become the *richest* and most *powerful* State of the Mexican Confederation.

But I am *poor*. I have not even the means of living with comfort and that decency which my situation would seem to require, unless I raise those means by a sacrifice of a part of my premium land so hardly earned, and that I will not do for it is my only stake for my old age.

Will it not appear strange to you that although *such* is my real situation an opinion has gone abroad that I have made myself rich by what I received from the settlers, or rather by selling land to them, as the uninformed and ignorant have styled the fees which I was by law entitled to as Commissioner, and for surveying, etc, etc.? Strange as it may seem, it is nevertheless a fact. The majority of the settlers were unable to pay anything, and must have left the country if the fees had been exacted from them promptly. In order to keep all afloat I did exact prompt payment from those who were able to make it, and out of the money thus raised I paid the way of the poor who were unable to pay any thing. And I also defrayed the expenses of the administration of the local Government, and was enabled to keep the Indians friendly by presents and feeding them until we got strong enough to whip them into subjection.

By this course of policy I have saved this settlement and brought it to what it now is, and have secured large-landed estates to hundreds of poor men who otherwise would not or could not ever have got one foot of land. Some of these men have never yet paid one cent, and accuse me of speculating and cheating them because I ask it of them. It is human nature and I do not complain. Besides it is my duty to bear these matters with patience, for it is a sacrifice that is due to the future prosperity and greatness of this favored country to bear with patience and perseverance *all* the labor and *all* the mortifications attendant upon the difficult task of laying the foundation of that prosperity.

I have again become an egotist. Perhaps I am influenced by the idea that a man who labors faithfully to the best of his abilities and with pure intentions is entitled to *some* compensation, and that unless I derive one by getting a little credit for what I have done or tried to do, I shall come off badly, for I doubt very much whether I shall live to reap much advantage from my premium land, which as I before observed, is my only stake, and it is not free from embarrassments created *solely* for the benefit of this settlement.

I have just recovered from a dangerous spell of sickness, and also I have to mourn the recent death of an only and beloved brother, and I am not in a situation to write connectedly on any subject; you must therefore overlook my style. I will be responsible for the *facts* which I have stated.

STEPHEN F. AUSTIN.

CHAPTER X

MINOR EMPRESARIO CONTRACTS FOR THE COLONIZATION OF TEXAS, 1825–1834

By Mary Virginia Henderson

[These extracts explain the workings of the colonization laws and list all the empresario contracts for the settlement of Texas except those of Austin, DeWitt, and Edwards. The boundaries of the empresario grants are given for those who wish to work them out on the map. The article from which these selections are made is published in *The Southwestern Historical Quarterly,* XXXI, 295–324, XXXII, 1. For Austin's colonies see Barker, *The Life of Stephen F. Austin,* Chapters V–VI; for the ill-fated Edwards colony see the same work, Chapter VII; for DeWitt's colony the article by Ethel Zivley Rather in the *Quarterly* of the Texas State Historical Association, VIII, 95–192. Read: Garrison, *Texas,* Chapter XIV; Barker, *The Life of Stephen F. Austin,* Chapter VI.]

Mexico's preparation for the colonization of Texas.—The establishment of an independent government in Mexico marks the beginning of a new era in the history of Texas, an era in which the suspicion and hostility of Spain toward all foreigners, and especially all citizens of the United States, was to be superseded by an invitation to the world to build homes within Mexico's vast wildernesses. When Spain controlled the territory, foreigners found without passports were thrown into prison where they might remain many weary years.

With the establishment of Mexican authority over Texas, the attitude toward foreigners was very different. As expressed in the colonization law of the State of Coahuila and Texas, it was "the state invites and calls them."

Many answered the call, some as empresarios and others as colonists. The purpose of this paper is to give, wherever possible, a brief account of the work done by the minor empresarios of the period from 1825 to 1834. The better known empresarios, Stephen F. Austin, Green DeWitt and Haden Edwards, will not be included.

To understand the work of the empresarios, it will be necessary to examine some of the provisions of the colonization laws of Mexico and of the State of Coahuila and Texas. Mexico passed her first colonization law in January, 1823, while Iturbide was emperor. With his overthrow in March, 1823, and the repeal of the colonization law of 1823, it was then necessary for the Mexican Republic to formulate its colonization policy. On August 18, 1824, the central government

passed the national colonization law. This laid down a few general regulations with reference to colonization within the nation, but left the undertaking largely to the states. In the first place each state was to pass a colonization law for the settlement of the unoccupied territory within its limits. However, only the federal government could grant permission to establish settlements within twenty leagues of the boundary of any foreign nation or within ten leagues of the coast. Other provisions were that no person could hold more than eleven *leagues* of land. A preference was to be given in the distribution of land to Mexican citizens, but no other discriminations were to be shown except for individual merit or services rendered the country or under equal circumstances to the person who lived in the place where the land was located. It was not possible for any person who acquired land by virtue of the law of August 18, 1824, to hold that land if he lived outside of the Mexican Republic. An especially significant provision of the law occurred in Article 7:

> Until after the year 1840, the general congress shall not prohibit the entrance of any foreigner as a colonist, unless imperious circumstances should require it with respect to the individuals of a particular nation.

Mexico seemed to realize that "imperious circumstances" might arise. If they should, that is, if the immigrants from any particular nation seemed to be too numerous, or lacking in loyalty to Mexico, she could forbid their further entrance with ease. The same law which gave immigrants permission to enter would guarantee to her the right to close her gates to them whenever she considered it expedient. The colonist at the time of his entrance into Texas seemed so eager to try his fortune in the state, that he scarcely noticed, and perhaps did not notice at all, that provision of the law. However, when Mexico took advantage of the provision and passed the law of April 6, 1830, by which she forbade the further entrance of citizens of the United States into Texas, the colonists then protested vigorously. Some declared Mexico had no right to pass the law. Mexico had, though, made her position secure when she included Article 7 in the national colonization law. The significance of the law of April 6, 1830, will be seen later in the history of the colonization contracts.

In accordance with the national decree of August 18, 1824, the Legislature of Coahuila and Texas on March 24, 1825, passed its colonization law. As has been said, the state invited foreigners to make their homes on its unoccupied lands. All colonists had to "prove their Christianity, morality, and good habits by a certificate from the authorities where they formerly resided." No commissioner could issue titles to land for a colonist until he received a written statement from the empresario approving the petition of the settler for land and thereby declaring his character satisfactory. The em-

presario, in most cases, accepted the certificate from the authorities of the immigrant's past place of residence as satisfactory evidence of moral character.

The state colonization law granted to each married man who wanted to farm one *labor,* an equivalent of 177 acres. If he also desired to raise cattle, he could obtain twenty-four *labors* of pasture land or 4,251 acres. The total of farming and pasture land made one *sitio* or league, consisting of 4,428 acres. An unmarried man received one-fourth of this amount. If the colonist's occupation or capital was such that it would benefit the colony, he could obtain additional land.

The new settler was required within six years to pay a nominal sum to the state for his land. For each *sitio* of pasture land he paid $30; for each *labor* of unirrigable land $2.50; and for each *labor* which was irrigable he paid $3.50. The government required no part of it to be paid until the end of four years. At the close of the fourth year one-third of the amount was due; at the end of the fifth year, another third; and when the sixth year closed, the last payment was to be made to the state. To acquire a title to his land the colonist had to occupy or cultivate it.

The law extended the empresario or contractor system, which had been provided for in the national law. Each empresario made an agreement with the state to introduce a certain number of families within six years. He received a definite area in which to locate his immigrants. Often his territory was spoken of as his grant. The use of the term was misleading. It led people unacquainted with the colonization laws to believe that all the land within the grant belonged to the empresario to dispose of as he desired. In reality the land was only allotted to the empresario to settle with colonists. At first he did not own one acre of it. Although he would eventually receive a premium in land for each one hundred families introduced, no premium was due until he had located at least a hundred families. The premium consisted of five leagues and five *labors* for each hundred families settled on his grant.

No empresario was permitted to receive a premium for more than eight hundred families. Since, however, the maximum premium an empresario might obtain was more than the eleven league limit fixed by the federal law, he had to alienate the excess within twelve years.

The state law repeated the restriction of the federal law with reference to grants within twenty leagues of the boundary of any foreign nation or within ten leagues of the coast.

It was under the national law of August 18, 1824, and the state law of March 24, 1825, that most of the empresario contracts were made for the colonization of Texas. Even before the federal colonization law was passed, there were men in Mexico City who were

trying to obtain empresario contracts. Among them were Haden Edwards, Green DeWitt, Frost Thorn, and General James Wilkinson. Stephen F. Austin was also there, but for the purpose of having his father's grant confirmed. With the promulgation of the national law making it necessary for each state to pass a colonization law, those who were endeavoring to obtain contracts transferred their attention to Saltillo, the capital of Coahuila and Texas. In less than a month after the passage of the state law and in one day's time, the Governor of Coahuila and Texas contracted for the introduction of 2,400 families. On April 15, 1825, Haden Edwards and Robert Leftwich each contracted to introduce 800 families. On the same day Green DeWitt and Frost Thorn each made contracts for 400 families.

Other contracts made under the state law of March 24, 1825, were as follows: Martin de León, October 6, 1825, to settle 41 families; John G. Purnell and Benjamin Drake Lovell, October 22, 1825, for 200 families; Benjamin R. Milam, January 12, 1826, for 300 families; General Arthur G. Wavell, March 9, 1826, for 400 families; Stephen J. Wilson, May 27, 1826, for 200 families; John L. Woodbury and Joseph Vehlein and Company, November 14, 1826, for 200 families; Joseph Vehlein and Company, December 21, 1826, for 300 families; David G. Burnet, December 22, 1826, for 300 families; John Cameron, May 21, 1827, for 100 families; John Cameron, February 19, 1828, for 200 families; Richard Exeter and Stephen J. Wilson, February 23, 1828, for 100 families; James Hewetson and James Power, June 11, 1828, for 200 families; John McMullen and James McGloin, August 17, 1828, for 200 families; Joseph Vehlein and Company, November 17, 1828, for 100 families; Lorenzo de Zavala, March 12, 1829, for 500 families; Martin de León, April 30, 1829, for 150 familes; Colonel Juan Dominguez, February 6, 1829, for 200 families; Juan Antonio Padilla and Thomas J. Chambers, February 12, 1830, for 800 families; General Vicente Filisola, October 15, 1831, for 600 families; and J. C. Beales and José Manuel Royuela, March 14, 1832, for 200 families. Beales and Royuela's grant was the last under the law of March 24, 1825.

By 1832 Mexico, which had grown suspicious of the Anglo-Americans and had begun to doubt the wisdom of the policy of colonization, saw its opportunity and attempted to seize it. Some of the empresario contracts had expired and others were expiring without the empresario's having fulfilled them; the vacant land was therefore back in the possession of the government. Coahuila and Texas could then dispose of it as its Congress saw fit. The legislature passed a law, April 28, 1832, offering special protection and aid to Mexicans who should agree to settle on vacant lands in Texas, and making inducements to empresarios contracting to colonize with Mexicans or foreigners not excluded by the law of April 6, 1830. By May 1 the state had made a contract with Juan Vicente Campos, the agent for a

Mexican company, composed of Mariano Dominguez, Fortunato Soto, Juan Ramon Mila de la Rosa, and John Charles Beales to introduce 450 families; and on October 9, 1832, a contract was made with John Charles Beales and James Grant to introduce 800 families. Although Beales and Royuela's grant was the last under the law of March 24, 1825, the grant to Beales and Grant, being under the law of April 28, 1832, seems to have been the last made by the government of Coahuila and Texas according to the records at my disposal.

If it had been possible to settle the number of families designated by the contracts, Texas would soon have boasted of a fairly numerous population. Besides the Austin grants, contracts approved in 1825 called for 2,641 families, in 1826 for 1,700, in 1827 for 100, in 1828 for 800, in 1829 for 850, in 1830 for 800, in 1831 for 600, and in 1832 for 1,450. However, Texas did not increase in population, as a result of the colonization laws, as rapidly as might have been expected from the long array of contracts. Stephen F. Austin, who fulfilled several of his contracts, was the outstandingly successful empresario. Next to Austin in point of success was Green DeWitt. Others, as De León, McMullen and McGloin, Robertson (who was the successor of the Nashville Company), Milam, Hewetson and Power, and Zavala, Burnet and Vehlein (the Galveston Bay and Texas Land Company) did actually establish some colonists permanently on their grants. There were still others who either made no permanent settlements of colonists or who made no attempt to fulfill their contracts, as Wavell, Wilson, Wilson and Exeter, Woodbury, Cameron, Dominguez, Filisola, Padilla and Chambers, Thorn, Purnell and Lovell, Beales and Royuela, and Campos for the Mexican Company, and Beales and Grant.

The provisions of the contracts practically all followed the same general outline. At the beginning of the contract the government stated that it admitted the petitioner's proposal to colonize vacant lands "in so far as it is conformable with the colonization laws." The provisions were then stated, the usual ones being as follows:

1. A statement of the boundaries of the proposed colony.
2. That the empresario should respect the possession of lands which were already occupied under legal title.
3. That the empresario should introduce the required number of families within six years or forfeit all rights and privileges granted to him by the law of March 24, 1825.
4. That the families were to be of the Catholic religion and of good moral character.
5. That the introduction of criminals was not allowed. If any should appear, they were to be ejected.
6. That the empresario should organize a national militia force and command it unless otherwise ordered.
7. That when the empresario had introduced one hundred fam-

ilies, he should notify the government in order that a commissioner might be sent to give the colonists possession of the land.

8. That all official communications with the government and all public acts and documents were to be written in Spanish.

9. Contracts made after April 6, 1830, contained the restriction that no immigrants from adjoining countries were to be allowed to settle.

In several of the contracts appeared the admonition to the empresario to prevent all persons from bartering arms and ammunition with the Indians for horses and mules.

Two groups of empresarios.—The empresarios, the guiding spirits in the colonization of Texas, fell into two groups. The first of the groups consisted of men who through their own efforts, or the efforts of others, really accomplished something toward the settlement of their grants. They were not notably successful, as was Stephen F. Austin; but they were instrumental in locating a number of families permanently, and thereby aided in bringing civilization to Texas. Such men were Burnet, Zavala, Vehlein, Robertson of the Nashville Company, Milam, McMullen, McGloin, Hewetson, Power, and De León. The second group included the empresarios who obtained contracts from the government, but who, either because of the lack of initiative and judgment, or because of shortage of capital, were unable to make any contribution to the settlement of the state.

Efforts toward colonization by the first group were in three distinct sections of Texas. The grants of Burnet, Zavala, and Vehlein formed a compact area in East Texas between the San Jacinto and Sabine rivers. Robertson's and Milam's grants lay in central Texas northwest of Austin's colonies. On the coast to the south were De León's and Power and Hewetson's grants; adjoining Power and Hewetson and to the northwest lay McMullen and McGloin's grant.

Boundaries of Empresario Grants

[To be used for map work if desired.]

Burnet, Zavala, and Vehlein.—The first three grants mentioned, those of Burnet, Zavala, and Vehlein, lying in East Texas, were not only united geographically, but were later united for colonization purposes in one company and followed the same history. In December, 1826, David G. Burnet, originally of New Jersey, had obtained a grant to settle three hundred families within the following boundaries:

Beginning at the Town of Nacogdoches: Thence on a North course, the distance of fifteen leagues, to a point clear of the Twenty boundary leagues, parallel with the river Sabine, which River, is the boundary or dividing line with the United States of the North, here a land mark shall be made, and thence a line run West to Navasoto Creek: Thence down said creek, with its meanderings by its left bank to the place where it is crossed by the road lead-

ing from Bexar to Nacogdoches: Thence with said road, to fork of the Bull's hill road ("Loma del Toro") before arriving at the Military Post on the Trinity, with said road to its junction with the old road, and with said old road to the Town, Nacogdoches, and place of beginning. Leaving on the right all the land granted yesterday to Citizen John Lucius Woodbury Attorney for Vehlein and company.

Joseph Vehlein, a German merchant of Mexico City, through his agent, John L. Woodbury, made his first contract with the government for three hundred families in December, 1826, to be settled with the following boundaries:

Beginning at the Town of Nacogdoches: Thence South, leaving free Twenty boundary border leagues, parallel with the Sabine River to the intersection of the boundary line of the same, with that of the Ten coast border leagues, on the Gulf of Mexico. Thence west to the river San Jacinto: Thence up the said river with its left bank, to its source, and thence on a straight line North to the San Antonio road leading from Bexar to Nacogdoches: Thence with said road to the town aforesaid, and previous to arriving at the River Trinity the line shall follow the road called Bull's hill road (Loma del Toro) crossing that river above the Military Post, and continuing on said road, until it unites with the road first mentioned and thence with it to the Town of Nacogdoches and place of beginning.

Burnet's grant and Vehlein's first grant covered a large part of the territory previously granted to Haden Edwards, whose contract had just been annulled by the state. Joseph Vehlein in 1828 received his second contract but for only one hundred families. The territory of this contract, which was contiguous with that of his first contract, extended his boundaries through the coast reserve to the Gulf of Mexico. Its boundaries were as follows:

Beginning on the Coast of the Gulf of Mexico, at a point distant twenty leagues West of Sabine Bay: Thence northwardly on a line parallel with the river Sabine, the distance of Ten Leagues leaving between this line and said river Sabine a space of Twenty leagues in width: Thence Northwestwardly, on a line parallel with the Coast, at a distance of ten leagues from it, and following the boundary line (of the Contract made with these same parties on 20th Decr., 1826, crossing the river Trinity) to a point on the left bank of San Jacinto Creek at a distance of Ten leagues from the Coast on Galveston Bay: Thence with the left bank of said River San Jacinto to its confluence with Galveston Bay: Thence with the margin of said Bay, by all the sinuosities of the same, to the sea coast; and thence with the sea coast to place of beginning.

The third empresario of the group, Lorenzo de Zavala, a prominent Mexican citizen, contracted in March, 1829, to introduce five hundred families. The territory included the boundary reserve between Vehlein's grants and the Sabine River. The Gulf was the southern boundary; a line run from Nacogdoches following the main road leading to Natchitoches by the way of "Las Borregas" and the ferry to the right bank of the Sabine formed the northern boundary.

When these empresarios obtained their contracts, they evidently

acted in good faith and intended making an effort to fulfill them. Vehlein, finding he did not have sufficient capital for the undertaking, was therefore willing to combine his interests with others. This fact helps to explain the transfer of his grant to a company later. Realizing his lack of funds, he probably made no effort to establish a colony. The same is probably true of Lorenzo de Zavala, as he sold his contract so soon after he obtained it.

Burnet, on the other hand, made several unsuccessful attempts to establish a settlement before the uniting of the grants of Burnet, Zavala, and Vehlein in a company at a later period. While in Cincinnati in March, 1829, attempting to obtain immigrants for his colony, he thought he had a group of immigrants for his project; but suddenly he found they were about to abandon his cause. He wrote to Stephen F. Austin:

> I shall remain here longer than I have heretofore contemplated in the hope that something may still be done that I may at least get one good stool pigeon, for to return without would be to have come for nothing.

Burnet evidently had no better success later as no colonists received grants in his colony before the organization of the company. Zavala and Vehlein were equally unsuccessful before the organization of the company. Burnet, it seems had attempted to organize a company for colonization purposes even before the combining of the three grants in the Galveston Bay and Texas Land Company in October, 1830. From Cincinnati in July, 1829, he wrote Stephen F. Austin:

> I am fully sensible of the necessity of being in my colony and design to repair there as soon as practicable. The late disturbance at Mexico gave me a very serious back set from which it has been difficult to recover— I had a very respectable company in full progress of formation when the news of wars and revolutions and insurrections dispersed them like a hawk pouncing upon a flock of pigeons.

Having failed in his endeavor to establish his colony by his own efforts, Burnet, with Zavala and Vehlein, transferred his contract to the Galveston Bay and Texas Land Company on October 16, 1830. . . .

The Robertson colony.—The boundaries of the Robertson colony (called also the Leftwich grant and the Nashville colony) were as follows:

> Beginning at a point where the road leading from Bexar to Nacogdoches, known as the upper road crosses Navasoto creek, a line shall be run. — thence along said road, on a westerly course to the heights which divide the waters of the rivers Brazos and Colorado. — thence on a northwest course along the said hills or heights to the northernmost head waters of the river "San Andres" and from the said head waters northeast on a straight line to the belt of [timber on the] Brazos, north from the Hueco village, and known as the "Great Forest" and in English as the Cross Timbers, and from the point where Said line intersects the "Great Forest" on a Southwest course along the heights

which divide the waters of the rivers Brazos and Trinity, to the headwaters of Navasoto Creek, — and down the Said creek on its right margin to the place of beginning.

The Milam colony.—Joining Robertson's colony on the south and lying between the Colorado and Guadalupe rivers was Milam's colony. To the east of this long, narrow stretch of territory which formed the Milam grant was Stephen F. Austin's colony. Benjamin R. Milam had petitioned the Mexican government for the right to colonize Texas lands even before Austin made his first journey to Mexico.

As early as 1818 Milam was in Texas trading with the Comanches on the head waters of the Colorado. The following year found him in Mexico fighting for the patriot cause. In consideration of his services to the Republican cause, the government made him an eleven league grant. He selected his land and opened a ranch, as he thought in East Texas; but he found that he had gone too far to the east and had located in Miller County, Arkansas. Later he located his eleven league grant farther west.

Not until January 12, 1826, did Milam obtain the grant to establish the colony which bears his name. The contract called for the introduction of three hundred families within the following boundaries:

Beginning at the point where the Upper San Antonio road leading from Bexar to Natchitoches crosses the river Guadalupe; thence with the said road to the river Colorado of Texas. Thence up said river with its right bank the distance of Fifteen leagues. Thence on a straight line, parallel with the road aforesaid to the river [Guadalupe. Thence] with its left bank to the place of beginning.

De León's colony.—The minor empresarios who contributed to the colonization of Texas were grouped, as previously stated, in three distinct regions. To the east bordering on the Sabine were the grants of Burnet, Zavala and Vehlein united in the Galveston Bay and Texas Land Company; in the central northwest, between the upper waters of the Brazos and Guadalupe rivers, lay the colonies of Robertson and Milam; and far to the south, on what was then the southern boundary of the state, the Nueces River, lay the third group of colonies established by the minor empresarios. This southern group consisted of three colonies: De León's and Power and Hewetson's on the coast between the lower waters of the La Vaca and Nueces rivers, and the McMullen and McGloin colony, which joined Power and Hewetson on the west and extended along the north bank of the Nueces.

Of all the empresario colonies established during this period of Anglo-American colonization, De León's was the only Mexican colony, the only colony that preferred Mexican customs and institutions to those of the United States. In the list of names to whom titles to land were issued in De León's colony, the Spanish names predominate.

A few American names appear; but in such a list they seem the outsiders, the ones whom the Mexicans have permitted to live among them. In all the other minor empresario colonies the Mexican names, when they occur, stand out as if they were the foreigners on the soil of their own land. De León's was just such a colony as Mexico, after 1832, came to see she must establish if she desired to retain Texas as a loyal part of the nation.

In April, 1824, Martin De León, a native ranchman of the state of Tamaulipas, decided he would like to move with his herds to the grassy lands of Texas. Just the year before while driving mules from his ranch to the market at New Orleans, he had passed through the southern part of the state; and it was then that the tall grass of South Texas made its appeal to the ranchman. On April 8, 1824, he petitioned the Provincial Delegation of San Fernando de Bexar, which was the government of Texas, for permission to establish himself and forty-one families at a point on the lower Guadalupe where he would found a town to be called Nuestra Señora de Guadalupe de Jesus Victoria.

As this was before the passage of the national colonization law, the Provincial Delegation of San Fernando de Bexar was the authority which granted De León his petition. De León's colony was also different from the other minor empresario colonies in that his contract did not specify a definite number of families to be introduced, nor fix a time limit, nor did it establish boundaries for the colony. When he had located his group on the lands desired, he was to notify the Provincial Delegation in order that the lands might be designated for the location of the town, and also that each individual might be put in possession of land for his house and field. The contract exempted the colony from duties for seven years on everything except tobacco, and from excises, tithes and first fruits for ten years.

By October, 1824, De León and twelve of the forty-one families promised had established themselves with their droves of horses and cattle on the Guadalupe River about one-fourth of a league from the Atascocito Road. The other twenty-nine Mexican families expected to follow De León to Texas, but were prevented during that year because of the drought, which destroyed the pasture on the road, and later in the same year because of the excessive rains. Shortly after the arrival of De León, he was joined by sixteen Anglo-American families. By the following spring the grassy wilderness had become the scene of a flourishing little settlement; the fields had been cleared and planted and, among other improvements, provision had been made for the watering of the herds of cattle.

Upon this scene of activity appeared a new empresario, who claimed their lands. This was Green DeWitt, who had on April 15, 1825, received a contract from the legislature of Coahuila and Texas for a grant of land which included De León's settlement. DeWitt

was as surprised to find the bustling scene of activity in the center of his grant as were De León and his colonists to learn that their lands had been incorporated in another grant. Since De León had failed to notify the government of his location, the legislature made the contract with DeWitt when it was altogether unaware that De León's colony would be included by it. De León, realizing that his Mexican citizenship would give him an advantage over DeWitt, petitioned the government for certain boundaries on the basis of Article 9 of the National Colonization Law of August 18, 1824, which read:

> In the distribution of lands a preference shall be given to Mexican citizens, and no other distinction shall be made in regard to them, except that which may be founded on individual merit, or services rendered the country, or under equal circumstances, a residence in the place where the lands to be distributed are situated.

On October 6, 1825, Gonzales, the governor of the state, called DeWitt's attention to the second article of his contract, which stated that he should respect all possessions given to settlers who were occupying lands under legal title within the limits of his boundaries. He added that since the Provincial Delegation had given De León permission to establish a colony there, he therefore had a legal right to the land, which DeWitt must respect. The governor designated no boundaries for the De León settlement, but promised to send a commissioner later to put the colonists in possession of their lands.

In 1827 De León petitioned the governor to designate the boundaries of his colony. Other colonies had definite boundaries, but his were not specified in his contract and seemed to be whatever he and his colonists occupied. The boundaries were not established that year, but the following year, 1828, Juan Antonio Padilla was appointed land commissioner for the colony.

In 1829 De León through his attorney Rafael Manchola petitioned for an augmentation of land on which he was to introduce one hundred and fifty families. The boundaries for which he petitioned included his original settlement and were as follows:

> Beginning at La Baca Creek, near the place where it is crossed by the middle road leading from La Bahia to Nacogdoches, and thence run one league with the said creek upwards, thence a line shall be run parallel with said road, to cross the river Guadalupe at the Lego Ford, until it strikes Coleto Creek; and thence with this creek downwards, the survey terminating at its junction with the aforesaid river Guadalupe.

The government granted his petition, but this grant also lay within DeWitt's colony and covered a considerable portion of it. At first DeWitt, whose colonists were few in number and who were concentrated in and around the little settlement of Gonzales, made no protest; but the following year, 1830, when De León attempted to remove by force twenty-five of the families established in the region by DeWitt, a protest was made; and the governor annulled the grant made

to augment the lands of De León. In annulling the grant, the governor said that such mistakes as granting the same land to two people occurred because the government had no correct map of the state.

By 1831, the grant to DeWitt had expired and the government had refused to allow him an extension. With the expiration of De Witt's contract, De León was practically free to colonize the vacant lands near him in DeWitt's colony. The government had said that in annulling De León's contract of 1829, it really placed no limitation on him except to prevent him from disturbing families already established by DeWitt.

The Power and Hewetson colony.—James Power, a native of Ireland, and James Hewetson, a resident of Monclova, contracted on June 11, 1828, with the legislature of Coahuila and Texas to introduce into Texas two hundred families, one-half of whom were to be Mexicans and the others Irish. The approval of the central government had been previously obtained because the grant was within the ten coastal leagues. The boundaries were as follows:

> Beginning on the left bank of the River Guadalupe at the angular point where it empties into the sea; thence, following the line of the sea coast eastwards, to the mouth of La Vaca Creek; thence with the right bank of this creek, the precise distance of ten leagues; thence a line shall be run westward, parallel with the coast, on a border ten leagues, until it meets the river Guadalupe; and thence downwards, on the left bank of this river, to the place of beginning.

The McMullen and McGloin colony.—John McMullen and James McGloin, natives of Ireland but residents of Matamoras, petitioned the legislature of the state of Coahuila and Texas in August, 1828, for the territory which had in October, 1825, been granted to John Purnell and Benjamin Drake Lovell. One of the partners of the earlier enterprise, Purnell, had been drowned just as he was boarding a vessel to go to Texas. Lovell, the remaining partner, asked the government to release him from the contract, in order that McMullen and McGloin might obtain the territory.

Lovell's resignation was accepted and a contract made with McMullen and McGloin in August, 1828, for the introduction of two hundred families within the following boundaries:

> Beginning on the left bank of the river Nueces, at its intersection with the boundary line of the ten coast border leagues of the Gulf of Mexico, exempted by the law of August 18, 1824; thence with the said boundary line to a point ten leagues distant (southwardly) from the Presidio de La Bahia del Espiritu Santo (Goliad); thence on a straight line, to the confluence of the river Medina with the San Antonio; thence with said river, on its right bank, to the point where it is crossed by the old road, which leads from Bexar to the Presidio of Rio Grande; thence with said road to the river Nueces, and thence with said river downwards on its left bank to place of beginning.

The colony established by McMullen and McGloin was known as the Irish colony and had as its leading town, San Patricio or Hibernia.

Purnell and Lovell.—Of Purnell and Lovell, two of the earliest contractors, it can be definitely stated that they fulfilled no part of their contract. Dr. John G. Purnell and Benjamin Drake Lovell, citizens of the United States who were living in Mexico, petitioned for a grant and received it on October 22, 1825. The colony was within the following boundaries:

Beginning on the right bank of the river Nueces, at the boundary line of the ten coast border leagues, which are exempted by the fundamental law of the 18th of August, 1824; thence with said boundary line of the said Border Leagues Eastward, to a point ten leagues from the Presidio of La Bahia del Espiritu Santo; thence on a straight line to the mouth of the river Medina to its junction with that of San Antonio de Bexar; thence northward with the said river Medina, upwards, to the road which is the dividing line between Texas and Coahuila, and which leads from San Fernando de Bexar to the Presidio of Rio Grande; thence with said road westward to the river Nueces, thence down said river southward, which is the boundary line between Texas and Tamaulipas, to the place of beginning.

Frost Thorn.—Frost Thorn, another of the early empresarios, made a contract on April 15, 1825, to introduce four hundred families. The boundaries of his colony were as follows:

Beginning at the closing point of the boundaries of a grant made to Mr. Haden Edwards, at fifteen leagues north of Nacogdoches; from this point a line shall run north to the line of the twenty boundary border leagues, on the boundary line of the United States of North America, on the east and on the north, which boundary leagues are not to be encroached upon. Thence on a course westwardly to the head waters of Navasoto Creek; thence down said creek to the boundary line of Mr. Haden Edwards; and thence with the line of said Edwards eastwardly to the place of beginning.

Wavell's colony.—General Arthur G. Wavell, through his attorney, Baron de Bastrop, contracted on March 9, 1826, to introduce from four to five hundred families in a section of territory on the Red River. The boundaries of the grant were as follows:

Beginning at the junction of the stream called Satecha or Sulphur Fork with the Red River of Natchitoches; thence with its bank upwards to its source; thence on a straight line parallel with the said Red River to the mouth of the River Kiamish, at its confluence with the aforesaid Red River; and thence with the bank of said river to place of beginning.

Benjamin Milam became Wavell's agent for the colony.

Woodbury and Vehlein and Company.—On November 14, 1826, John Lucius Woodbury and Joseph Vehlein and Company were authorized to introduce two hundred families within the following boundaries:

Beginning at the point where the western line of the colony of Robert Leftwich intersects the 31st degree of North latitude, which is between the Rivers Colorado and Brazos; thence upwards with said line, on a course northwest, to the point at which the boundary line of said grant intersects the parallel of 32 degrees North latitude. Thence the line shall run on a west course, approx-

imating to the southern boundary of Stephen Wilson's colony, to the 104 degree of longitude, where a land mark shall be established. Hence on a line downwards to the point where the meridian of 104 longitude intersects the old road leading from the Rio Grande to Bexar. Thence with said road, to the river Medina; thence up with the right bank of said river a distance of ten leagues. From this point a straight line shall be run an east course to the River Guadalupe; thence up the right bank of said river to the boundary line of the colony of Colonel Milam; thence on a straight line, along the boundary line of the said grant, crossing the river Colorado, to strike the western line of the colony of Leftwich at the place of beginning.

In 1829 the government gave them two additional years within which they might complete their contract, it being thus extended to 1834. An examination of the records of the Land Office reveals no evidence of their having located any families or having in any way fulfilled the obligations of their contract.

John Cameron.—John Cameron, a native of Scotland but an inhabitant of Coahuila and Texas, received two grants in Texas. The first grant was on May 21, 1827, for one hundred families within the following boundaries:

Beginning at the point where the parallel of 32d degree of North latitude intersects the western boundary line of the colony of Robert Leftwich, which is between the rivers Colorado and Brazos. Thence west, on a direct line to the point where the 32 degree of North latitude intersects the 102 degree of longitude; thence North with the said meridian line of 102 the distance of twenty-one leagues; thence diagonally southeast to the western boundary line of Robert Leftwich's colony; and thence with this line to place of beginning.

Cameron's second grant was on September 19, 1828, for the land which had the year previously been contracted for by Colonel Rueben Ross, a citizen of the United States. Ross had died shortly afterward "by the hand of a perfidious assassin" in the state of Tamaulipas. The contract was for two hundred families to be introduced within the following boundaries:

Beginning at the point which is the western extremity of the boundaries of the colony of General Arthur G. Wavell on the Red River of Natchitoches. Thence up the said river, which is the boundary line of the United States of the North and this Republic, with its meanders, to the point at which it intersects the 102 degree longitude west of London; thence south, on this same meridian line the distance of twenty leagues; thence to the east parallel with said river of Natchitoches, making a border of precisely twenty leagues, to the western boundaries of the colony of General Wavell, closing at the place of beginning.

Colonel Juan Dominguez.—On March 18, 1829, Colonel Juan Dominguez, a native Mexican who had served many years in the Mexican army, applied for a colonization grant in Texas. The contract was signed May 6, 1829, for two hundred families to be located in the following territory:

Beginning on the River Arkansas at the point where the said river is intersected by the 23 degree of longitude west of Washington, which is the

boundary line between the Mexican Republic and the United States on the North; thence south with the said boundary line on the said meridian the distance of forty leagues; thence west the distance of twenty leagues, which is the boundary line of the boundary border spoken of in the Colonization Law of 18th August, 1824; thence north on a line parallel with the meridian line of the twenty third degree of longitude west of Washington to the River Arkansas, which is the boundary line between this Republic and that of the North; thence with the right bank of the river Arkansas to its intersection with the 23 degree of longitude west of Washington, which is the place of beginning.

According to the records in the Land Office, Dominguez introduced no families into Texas.

Padilla and Chambers.—The grant of Padilla and Chambers to colonize Texas lands was contracted for on February 12, 1830, for eight hundred families within the following boundaries:

Beginning at the point where the line of the twenty boundary border leagues of this Republic (bordering with the boundary line of 23 degrees of longitude west of Washington) intersects Red River of Natchitoches; thence north on a line parallel with said boundary line to a point distant twenty leagues from and before arriving at the River Arkansas; thence west on a line parallel with the River Arkansas to the 25th degree of longitude west of Washington; thence south with this meridian to the left bank of the Red River of Natchitoches; and thence east with said bank of said River to place of beginning.

When Padilla and Chambers investigated the location of the grant, they found that it was in what is now Oklahoma and Kansas and did nothing more with the contract.

Vicente Filisola.—Vicente Filisola obtained a colonization grant in October, 1831, for six hundred families within the following boundaries:

Beginning at the place where the boundary line of the colony of General Arthur G. Wavell joins the twenty boundary border leagues, from which point a line shall run with the boundary of said colony on a course west to the extremity of the same. Thence on a straight line, crossing several of the tributaries of the River Trinity, to the point at which the colonies of Citizen Stephen F. Austin and that of David G. Burnet join; thence east with the boundary of this last mentioned to Sabinas Creek; and thence upwards clear of the territoory of the boundary border leagues to place of beginning.

In the records examined at the Land Office of Texas no evidence was found to show that he carried out any part of his contract.

Stephen Julian Wilson.—Stephen Julian Wilson, a citizen of the United States but a resident of Mexico, received a grant on May 27, 1826, to locate two hundred families in Texas. The boundaries of the proposed colony were as follows:

Beginning at a landmark which shall be established at the point where the 32d N. latitude is intersected by the 102d of longitude west of London, being at the southwest corner of the grant petitioned for by Colonel Reuben Ross; thence west with the parallel of 32 degrees of latitude to the eastern boundaries of New Mexico; thence north with the boundary line between this state and the territory of New Mexico to a point twenty leagues south of the River

Arkansas; thence east to the meridian of 102d degrees longitude, being the western boundary of the land petitioned for by Colonel Reuben Ross; thence south to place of beginning.

The colony lay largely in the territory which is now New Mexico. A very small part of it was in the western border of the "Panhandle" of Texas.

Wilson and Exeter.—Joining Wilson's first grant, Wilson and Richard Exeter, an English merchant, obtained a second grant on September 23, 1828, for the introduction of one hundred families within these boundaries:

Beginning on the right bank of the River Arkansas at the boundary line of the state with the territory of New Mexico; thence down said river to the point where it is intersected by the 102d degree of longitude west of London; thence south twenty leagues on the same meridian (102); thence west parallel with the River Arkansas to the eastern boundary line of the territory of New Mexico; thence following the said boundary line to the right bank of the River Arkansas to the place of beginning.

The grant to Wilson and Exeter covered a large area in eastern New Mexico, southwest Colorado, and the "Panhandle" of Texas. During the summer and fall of 1833 a group led by A. Le Grande engaged in a survey of the grant; but with the coming of the winter snows, they were forced to abandon their work. The survey was never resumed nor was anything else done toward the colonization of the grant. The contract expired in September, 1834.

Beales and Royuela.—John Charles Beales, in addition to being interested in the Exeter and Wilson grant, was interested in three other grants. One of these, the Beales and Royuela grant, was obtained on March 14, 1832, for the introduction of two hundred families within the following boundaries:

Beginning at a landmark which shall be established at the intersection of the 32d degree of north latitude with the 102d degree of longitude west of London—this point being the southwest corner of the grant applied for by Colonel Rueben Ross; thence west with the parallel of the 32d degree of latitude to the eastern boundary line of this State and the territory of New Mexico to a point twenty leagues south of the River Arkansas; thence east to the meridian of 102d degree of longitude, being the western boundary of the lands applied for by Colonel Rueben Ross; and thence south to place of beginning.

Beales and Royuela apparently did nothing with this grant; according to Land Office records no titles were issued.

Campos for the Mexican Company.—Beales was one of the members of the Mexican Company, which received the first contract under the Law of April 28, 1832. The law had been passed to encourage Mexican colonization. The contract was made on May 1, 1832, for 450 families and comprised the territory of Milam's colony and part of DeWitt's.

Beales and Grant.—With the last of his contracts, Beales appar-

ently made a determined effort to establish a colony. On October 9, 1832, Beales and Dr. James Grant made a contract to introduce eight hundred families in the territory between the Nueces and Rio Grande rivers.

Summary

If Austin and DeWitt are included, the empresarios may be said to fall into three groups: the first, those who completed their contracts as Austin and DeWitt; the second, those who partially fulfilled their contracts; and the third, those who failed to meet any of the obligations of the contracts. In the first group Austin, who finished several of his grants, has been authoritatively treated by Dr. Eugene C. Barker in *The Life of Stephen F. Austin.* Green DeWitt, who lacked only a few families of introducing the total number of families designated by his contract, has been discussed by Miss Ethel Zivley Rather in *The DeWitt Colony.*

The purpose of this paper was to investigate the history of the last two groups, the minor empresarios. In the first of these last two groups should appear the names of Burnet, Zavala, Vehlein, Robertson, Milam, De León, Power and Hewetson, and McMullen and McGloin. The last group, or those who in no wise fulfilled their contracts, contains the names of Wavell, Wilson, Wilson and Exeter, Woodbury, Cameron, Dominguez, Filisola, Padilla and Chambers, Thorn, Purnell and Lovell, Beales and Royuela, Campos for the Mexican Company, and Beales and Grant.

CHAPTER XI

THE GOVERNMENT OF TEXAS, 1821–1835

By Eugene C. Barker

[This article, which describes the government of Texas before the Texas Revolution, is adapted from *The Southwestern Historical Quarterly,* XXI, 223–252. The work of the ayuntamiento of San Felipe is typical of the work of all the ayuntamientos and shows the local government in operation. The minutes of the ayuntamiento of San Felipe are published in *The Southwestern Historical Quarterly,* volumes XXI–XXIV; and a detailed study of "The Municipal Government of San Fernando de Bexar" by Mattie Alice Austin is in *The Quarterly* of the Texas State Historical Association, VIII, 277–352.]

I. The Eastern Interior Provinces, 1820

In 1820, when Moses Austin made his memorable journey to San Antonio to ask permission to settle three hundred families in the Spanish province of Texas, the territory was one of the Eastern Interior Provinces (*Provincias Internas de Oriente*). Texas, Coahuila, Nuevo León, and Santander or Tamaulipas constituted the Eastern Interior Provinces. The commandant was both civil and military head of the provinces. Each province had its own governor and military commandant and was subdivided, or could be divided, into departments, districts (*partidos*), and municipalities. Texas constituted one department, and in 1820 contained but two organized municipalities, Bexar and La Bahía, the present Goliad. The government of a municipality, which included not only the town but much of the surrounding country, was an ayuntamiento.

II. Early Local Government in Austin's Colony

(*1*) *Powers granted to Stephen F. Austin.*—In August, 1821, after the death of Moses Austin, Governor Martinez recognized Stephen F. Austin as his father's successor, authorized him to explore the country and select the region which he wished to colonize, and approved the terms which he proposed for the distribution of land to settlers. Since the region selected by Austin would be a wilderness, uninhabited and without political organization, and since he himself would have no means of extending administration to it at once, the governor made it plain that, for a time, Austin must be responsible for the local government. "You will cause all the colonists to under-

stand," he told Austin, "that until the government organizes the authority which is to govern them and administer justice, they must be governed by and be subordinate to you."

Early in 1822 Austin found it necessary to visit the City of Mexico to get a confirmation of his permit, and the imperial decree of February 18, 1823, which granted this, provided that he should form his colonists into militia companies; and, until the government of the settlement was organized, charged him with the administration of justice. This authority was confirmed on April 14 by the supreme executive power which succeeded Iturbide.

At Monterey, in May, 1823, on his way home, Austin sought a more particular definition of his position. Did his judicial authority extend to the punishment of capital crimes, or only to the arrest of the criminal for trial at Bexar; and how was the cost of justice to be met? Did he have authority to make war on the Indians? What was to be his rank in the national militia?

General Felipe de la Garza, who had succeeded Arredondo as Commandant of the Eastern Interior Provinces, answered Austin's questions on June 16. In all capital cases he was to refer the record of the trial and the verdict to the superior government, and while awaiting its report was to work the prisoner on the public roads. He had full authority to wage war on the Indians; and was to be lieutenant-colonel of militia.

"In short," said Austin of himself, "the provincial deputation decreed that I should preserve good order, and govern the colony in all civil, judicial, and military matters, according to the best of my abilities, and as justice might require, until the government was otherwise organized and copies of laws were furnished, rendering to the Governor of Texas an account of my acts, or of any important event that might occur, and being myself subject to the governor and the commander-general. The local government was thus committed to me with the most extensive powers, but without any copies of laws, or specific instructions whatever, for my guide."

(*2*) *Administrative divisions.*—On his return to the colony, Austin found that Governor Trespalacios, who had succeeded Martinez in August, 1822, had divided the settlement into two districts, one on the Colorado and one on the Brazos, with an alcalde in each to look after details of local administration and justice. In December, 1823, Austin subdivided the Brazos district, and made a third, which he called the San Felipe district; in the fall of 1824 he incorporated into his colony some immigrants who had drifted in and settled on the San Jacinto, and continued the district already there; in January, 1826, he established the district of Mina, on the Colorado; and at the same time, apparently, subdivided the San Felipe district to create the district of Victoria. By the beginning of 1828 there was still another district, making seven in all. Associated with the alcalde in the admin-

istration of these early districts there was a "constable" with substantially the authority and functions of such an officer at present.

(3) *Austin's "Instructions and Regulations for the Alcaldes."*—For two years the alcaldes seem to have followed a procedure of their own, each "doing what was right in his own eyes," but probably conforming as nearly as conditions and his own knowledge would permit to the practice of a justice of the peace in the United States. It was power of a sort which they did not enjoy, however. John Tumlinson, alcalde of the Colorado district, begged Bastrop for a "rule whereby I may in future be governed for the general good and peace of society." Josiah H. Bell, of the Brazos, after confiscating the property of a horse thief to pay for the stolen horses and the cost of capturing him, anxiously asks the governor to say whether he has done rightly. His successor, John P. Coles, in a somewhat similar case resorted to a jury of six who fined the defendant heavily and suggested that he be banished from the colony.

To introduce a more uniform system, and to relieve the alcaldes of responsibility and embarrassment in the fixing of fines and penalties, Austin, on January 22, 1824, published a set of "Instructions and Regulations for the alcaldes." This document constituted a brief civil and criminal code. James Cummins acknowledged receipt of his copy on March 23: "I think them good for which myself and my neighbors give you thanks. May the Lord direct us to administer them properly."

The Civil Code provided for the appointment by Austin of a sheriff to execute his own processes as judge, and constables to execute those of the alcaldes; fixed the jurisdiction of alcaldes; and prescribed a definite judicial procedure. The alcalde acting alone had final jurisdiction under ten dollars, acting with arbitrators he had final jurisdiction up to twenty-five dollars, and primary jurisdiction, subject to appeal, in cases up to two hundred dollars.

As the first step in settling a case, the alcalde must try to bring the litigants to an agreement by "conciliation"—a sort of settlement out of court. If conciliation failed, he proceeded to try the case alone or with the help of arbitrators, as the parties to the suit determined. The political chief, José Antonio Saucedo, approved this code on May 23 and added to Austin's draft two articles, one regulating the treatment of stray animals and the other the registering of marks and brands.

The Criminal Code Saucedo approved the next day, May 24. Articles 1-4 of the criminal law dealt with offenses by Indians—such as violence to colonists, rambling through the colony without license, stealing, etc. Anybody was authorized to arrest and conduct such Indians, without the use of arms, if possible, to the nearest alcalde or captain of militia. If, upon examination by such official, the Indians proved to be guilty, they might be punished by twenty-five lashes.

Section 5 dealt with offenses against Indians. The colonists were forbidden under penalty of heavy fines to abuse Indians, being enjoined, on the contrary, to treat them "at all times and in all places in a friendly, humane, and civil manner so long as they deserve it."

Several articles covered offenses by and against slaves and provided for the recovery of fugitives and stolen slaves by their owners. The rest of the regulations dealt with various crimes—some suggested, no doubt, by anticipation and some by actual experience in the colony: murder, theft, robbery, gambling, profane swearing and drunkenness, counterfeiting or passing counterfeit money, etc. Horse racing was excepted from the general prohibition of gambling, "being," it was explained, "calculated to improve the breed of horses," but no debt contracted thereby was recoverable by law.

All cases must be investigated by the alcalde and tried by a jury of six and the record and verdict transmitted to Austin for final judgment. Capital cases must, as we have seen, be submitted by Austin to the authorities at Monterey.

Fines were the usual penalties prescribed by the regulations—to be applied to schools and other public purposes—but whipping and banishment from the colony were allowed. For theft the penalty was a fine of three times the value of the stolen property, and hard labor on public works, "until the superior government decides on the case."

Austin's "Old Three Hundred" were a remarkably law-abiding people. He wrote Bastrop in December, 1824, that since his return from Mexico, more than eighteen months before, there had been only one theft. Had the alcaldes exercised judicial functions alone, therefore, their public duties would have been unimportant, but they performed other services. They were Austin's local correspondents, receiving, passing on to the people, and executing his orders, and keeping him informed of local opinions and conditions. They supervised militia elections; kept their districts free of prowling Indians and vagabonds; settled quarrels; attested contracts; and performed what passed in effect for a civil marriage ceremony. They occupied, in fact, a sort of patriarchal relation to their respective communities.

With the rapid influx of immigrants, after 1825, judicial business increased and Austin found himself unable to spare the time from other pressing demands to attend to appeals from the alcalde courts. On July 6, 1826, he issued a proclamation ordering each of the six districts then existing to elect a representative to meet with him to form a new judicial system and adopt an equitable system of taxation for its support and to defend the settlements from hostile Indians.

The result of this conference was the creation of a supreme court composed of any three alcaldes. This court might hear appeals even from Austin himself, but it is evident that in most cases the appeal was directly from a single alcalde to this body without going before

Austin. The court of the alcaldes, as Austin called it, held three sessions a year at San Felipe.

(4) *The Militia.*—Two other subjects demanded Austin's early attention—the organization of the militia and the establishment of a land system. By the national law of April 9, 1823, every male citizen between the ages of eighteen and fifty was subject to militia service, and, as we have seen, Austin was by the terms of his commission commander-in-chief of the militia of his colony. For a time the menace of the Indians was an effective stimulus to the observance of the law. In June, 1823, while on his way from Mexico, Austin issued an order dividing the scattered settlements into five districts and instructing the inhabitants to elect company officers in each. For several years the service was fairly burdensome, and from time to time Austin had to subdivide the original districts to permit greater flexibility and local independence in dealing with marauding tribes.

A history of the militia, if material were available, would involve a history of the Indian wars of colonial Texas. By 1829 the white man's power was established, raids became infrequent, and interest in the militia organization diminished to such a degree that Austin complained that less than thirty per cent of the voting strength of the companies took the trouble to vote for officers. They had much more important matters, they thought, to occupy them.

(5) *The Land System.*—This topic deserves treatment in a separate paper. Only a summary can be given here. The subject received Austin's closest attention, and brought him more annoyance than any other problem with which he had to contend.

Austin had wide discretion in the allotment of land to settlers in his first contract, and some who received less than others accused him of partiality and unfairness. He knew the history of the harassing litigation that beggared the early settlers of Kentucky and Tennessee, and the orderly surveys and necessary formalities and restrictions which he insisted on to prevent such a condition in Texas seemed to some who could not understand their beneficent purpose merely irritating interferences of a petty tyrant. His surveyors and clerks had to be paid, and because he exacted a fee of 12½ cents an acre for the land, some of the settlers abused him for exploiting them.

First as to the fees: on August 18, 1821, just before leaving San Antonio to select the land for his colony, Austin submitted a plan to Governor Martinez for the distribution of the land to settlers. Every man, whether married or single, should receive a town lot and a parcel of farming and grazing land, the farming land fronting on a water course. If married, two hundred additional acres should be granted the settler in the wife's right, eighty acres for each child, and fifty for each slave.

Martinez endorsed the plan and forwarded it to the commandant for approval. From Natchitoches Austin wrote him on October 12

that he had decided to diminish the amount of land to single men and increase it to heads of families, giving them 640 acres for a headright, 320 acres for the wife, 160 for each son, and 80 for each slave. He had already made contracts with colonists, agreeing to deliver land at 12½ cents an acre and bear all costs himself for surveying, issuing and recording titles, and for the stamped paper on which the deeds were written. Half was to be paid on receipt of title and the other half a year after. On returning to New Orleans, Austin published these termns in the newspapers and they were widely copied by the western press.

On December 15, 1821, Gaspar Lopez, who had succeeded Garza as commandant general of the Eastern Interior Provinces, wrote Martinez that Austin had no authority to make allotments of land, that his applications must be presented to the government, and that should the settlers arrive in the meantime, the nearest ayuntamiento should locate them provisionally until the supreme government passed the necessary laws. Martinez reported the substance of this to Austin in March, 1822, and advised him, if he wished to avoid delay, to go to the capital and urge his cause in person.

After one night's deliberation Austin set out for Mexico City, where he arrived on April 28. He found the new government unwilling to make a special order of his case, and had to wait with what patience he could until Congress should pass a general colonization law. The committee in charge of the subject worked slowly, with many interruptions and diversions, so that it was not until January 4, 1823, that the law was passed. "I can," said Austin, "without boasting, say that my constant exertions and importunity with the members both directly and indirectly through my friends produced this law."

Six weeks later (February 18) the Emperor approved Austin's petititon to settle his three hundred families on the terms established by the law. Only two features of the law need be noticed here. One increased enormously the amount of land that Austin had promised his colonists, allowing headrights of a labor (177 acres) of farming land and a league (4,428 acres) of grazing lands; and the other provided for the compensation of empresarios or contractors who introduced immigrants at the rate of 66,774 acres for each two hundred families.

With success already within his grasp, Austin's hopes were now dashed by the overthrow of Iturbide and the annulment of all the laws passed since his accession. On April 14, however, the constituent Congress confirmed his grant as defined by the imperial decree, and he departed for Texas. He was delayed at Monterey, as we have seen, settling details concerning his authority in the administration of the colony, and did not arrive in Texas until mid-summer.

There dissatisfaction already existed over the 12½ cent fee which

the settlers had agreed to pay, and in an open letter of August 6, Austin made it plain that they must fulfill their contracts. He had risked his life, health, and property in the enterprise, he told them, and would make the fortunes of all his followers; to the expense already borne he must still add that of surveying and of issuing and recording titles. The government did not pay a cent toward these expenses, and a moment's reflection ought to convince them that they must help him a little. Those who could must pay money, others could pay in any kind of property that would not be a dead loss to him—horses, mules, cotton, hogs, poultry, furs, beeswax, home-made cloth, dressed deerskins, etc. They could pay part down and the balance in two, three, and four years. Most of what he collected would really go to improve the colony, he said, so that all would benefit from it.

Four days later Bastrop, whom the governor had appointed commissioner to extend titles to the settlers, pointed out to the colonists some of the advantages which they enjoyed through Austin's labors: his grant was confirmed, their titles were secure, and would be issued at once; no other contract had been approved. Austin's grant was limited to three hundred families; Austin was absolute in determining who should be received into the colony; and those rejected by him would have to retire to the interior, there to await the disposition of the government. The murmuring continued, but for a time the settlers paid the fee.

On October 30, Austin drew up an explicit statement of the conditions of settlement in his colony: settlers must give "the most unequivocal and satisfactory evidence of unblemished character, good morals, sobriety, and industrious habits"; and must have sufficient means to pay for their lands and get a start in the colony as farmers or mechanics. "No frontiersman who has no other occupation than that of a hunter will be received—no drunkard, no gambler, no profane swearer, no idler . . . will be received."

Those rejected for bad character would be ordered from the settlements, and, if necessary, escorted out under guard, their own property being seized to pay the cost of the escort. Persons accepted as settlers would receive, as a rule, a league of land of their own choice at the rate of $12.50 per hundred acres, payable in cash, cattle, or negroes, on receipt of title. This payment would include the cost of surveying, issuing and recording title, and all other charges.

Persons with large capital or a large family might obtain more than a league. Single men must combine in groups of ten in order to receive a league in common.

The next day Austin issued a public notice requiring newcomers to report immediately upon arrival to the nearest alcalde; if they wished land, they must report to Austin himself and show evidences of good character before selecting it.

In the meantime, murmurs over the 12½ cent fees had reached San Antonio, and on May 20, 1824, the political chief, Antonio Saucedo, declared a schedule of fees which took no account of Austin's contracts. Thereafter for a league of land, the settler should pay $127.50 to the commissioner who gave him his title, $27 to the surveyor, $8 for clerical labor and stamped paper, and $30 to the government, or a total of $192.50, while at 12½ cents an acre it would have cost him $555.

Austin believed that Saucedo had no authority to interfere with his private contracts, and in a straightforward review of the history of the colony made a powerful argument for their observance. The enterprise, he said, had cost his father's life; he himself had spent three years and much money in getting the colony established; the contract was a fair one; they had accepted it freely and with full knowledge of its terms, and not one of them but knew he was getting good value for his money, because titles in Austin's grant were secure and would be issued immediately, while settlers in other parts of the province had not the slightest assurance that they would ever get titles. If the governor had the right to annul a private contract, would their titles be safe? Where could one draw the line?

When one remembers that the cost and labor of the local administration fell mainly on Austin, that presents to keep the Indians peaceable and sometimes the equipment for campaigns against them were paid for by him, that his house was a place of entertainment for travelers visiting the country with a view to settling, that he paid a secretary $1000 a year chiefly to record titles and prevent conflicts and costly litigation by the colonists, it is easy to understand that his premium lands would not only have been an inadequate compensation; but for years would not have reimbursed him for actual expenses.

Much of his difficulty Austin attributed to the colonists' ignorance of the Spanish language and to the indefiniteness of certain laws. "You know," he wrote in 1825, "that it is innate in an American to suspect and abuse a public officer whether he deserves it or not. I have had a mixed multitude to deal with, collected from all quarters, strangers to each other, to me, and to the laws and language of the country. They came here with all the ideas of Americans and expect to see and understand the laws they are governed by. . . . Could I have shown them a law defining positively the quantity of land they were to get and no more and a code of laws by which they were to be governed I should have had no difficulty but they saw at once that my powers were discretionary, and that a very great augmentation to their grants could be made, and thus the colonization law itself and the authority vested in me under that law holds me up as a public mark to be shot at by every one."

Many of the settlers offered to pay, but Austin relinquished his claims and collected from none. Later both federal and state colo-

nization laws guaranteed such contracts between empresarios and colonists, and in his subsequent contracts Austin took advantage of this legal provision and charged colonists a small fee for his services.

The main features of the land system as finally developed by Austin may be restated for the sake of clearness. From the beginning Austin had sole authority to admit or reject immigrants within the broad limits of his grant, and the law, as well as sound policy required him to prevent the settlement of bad characters. He therefore required applicants to file testimonials of character from responsible persons and take the oath of allegiance to the Mexican government before granting them certificates of admission, which authorized them to select land and have it surveyed by an official surveyor appointed by the commissioner. This done, and the necessary notes and fees attended to, the applicant petitioned for his title, which, upon proper attestation from Austin, the commissioner issued.

Essentially, of course, the land system was the same as that in the United States, so that Austin's claim to our admiration is not that he originated an excellent system, but that at the cost of much labor and some money he so faithfully adhered to a model already tested by the experience of a generation.

III. Establishment of Normal Government—the Ayuntamiento of San Felipe

On June 15, 1827, the governor promulgated a law entitled, "regulations for the political administration of the towns." This law prescribed the form of the town governments according to size, and laid down the duties of the town councils or ayuntamientos.

The duties of the ayuntamiento covered a wide range, including most of the functions of a modern city commission and some of those belonging to the county commissioners. It was expected to promote the establishment of hospitals, poorhouses and educational and charitable institutions, and to administer them when established; it was to license qualified and properly certified physicians and druggists and prevent others from practicing; it was to appoint boards of health, inspect foods, markets, and drug stores, keep the streets clean, visit prisons, drain lakes and stagnant ponds, and wage continual war on every menace to the health of man and beast; it was to see that streets were straight and ornamented with shade trees, and wherever possible, paved and lighted; it was to maintain roads and public buildings; preserve the forests; punish vagabonds, drunkards, idlers, and gamblers; promote agriculture, industry, and commerce; administer municipal funds, which, with the consent of the governor and legislature, might be raised by taxation; establish and supervise primary schools; and take the census every six months. These were some of the more important duties of the ayuntamiento.

Austin was at Saltillo in the fall of 1827 and took occasion to urge the establishment of constitutional government in his colony. In response to his request the governor, on November 17, instructed the political chief to order an election for an ayuntamiento with jurisdiction from the Lavaca to the watershed between the Trinity and the San Jacinto and from the sea to the San Antonio Road. Austin called the election for February 3–4, 1828.

The duties of the alcalde fell into three general classes: (1) He presided over the ayuntamiento and was its executive officer; (2) he was a primary judge, or judge of first instance, having sole jurisdiction in cases under $10, final jurisdiction acting with a representative of each of the parties to the suit in cases between $10 and $100, and preliminary, examining jurisdiction in all other cases; (3) and he was the medium of correspondence and administration between the colony on one side and the superior department and state authorities on the other. The natural comparison that comes to mind is that of a mayor who has not given up his judicial functions to police judges, but the alcalde's part in the state administration was much more direct than that of our mayors.

We are fortunate in having the minutes of the ayuntamiento of San Felipe for the first four years of its existence—from February 12, 1828, to January 3, 1832—and in being able to see therein the Anglo-American adapting himself to Spanish local institutions. The first returns showed Thomas M. Duke elected alcalde over Austin's candidate, Ira Ingram, by a vote of 121 to 111. Thomas Davis and Humphrey Jackson were elected *regidores* and Rawson Alley *sindico*. Austin had called attention to the necessity of frequent meetings, and urged the choice of members within convenient distance of San Felipe, but Duke lived ten and Jackson thirty leagues from the capital. The result could be easily foreseen. After regular meetings for less than two months the ayuntamiento adjourned to meet no more, if we are to judge from the absence of minutes, until time to canvass the next election returns in December.

A study of the minutes for the next three years shows the ayuntamiento performing the various functions of a modern city and county commission: laying off roads and supervising their construction; regulating ferries and ferriage rates; creating boards of health, boards of medical examiners, and quarantine boards; regulating weights and measures; repairing churches and public buildings; directing militia organization; holding special elections and settling election disputes; serving generally as conservator of public morals, first warning and then punishing vagrants and drunkards, enforcing the laws against gambling and other forms of vice, and closing "tipling shops" at ten o'clock.

It assisted Austin in keeping the colony free of undesirables, advising when to grant and when to withhold titles to land; and relieved

him of no little responsibility in deciding when titles should be forfeited for non-fulfillment of the conditions of the grant.

Finally, it strove earnestly, but without success, to raise funds for the establishment of an academy at San Felipe.

The problem of getting revenue for indispensable expenses remained always a most difficult one and the collections left no surplus for permanent improvements. The courthouse and jail projected by the first ayuntamiento were still unbuilt in 1832. This made the safeguarding of prisoners awaiting trial an expensive and embarrassing task, and helped to emphasize the defects in the judicial system.

The opportunities for delay in the judicial system were very great, and its inconvenience to the Texans was enormous. In any case of corporal punishment there was first an examining trial before the alcalde, the evidence was then forwarded to the attorney general at Saltillo, some 500 miles away, his report was returned to the alcalde and judgment pronounced, but before it could be executed the judgment and all the documents in the case must make another trip to Saltillo to receive the approval of the Supreme Court.

With the least possible delay four months were consumed in this procedure, and the normal time was from six to eight months. In the meantime the prisoner was supposed to be in jail or employed on the public roads. If, as at San Felipe, there was no jail, his safekeeping was both expensive and embarrassing.

It remains only to speak of the election of state officers. These were chosen by indirect vote, the citizens of each municipality electing electors in August who met at the capital of the department in September and voted for governor, vice-governor, the executive council, and members of the federal Congress and the legislature. Before taking their seats it was customary for the newly elected members of the legislature to ask and receive formal instructions concerning legislation which their constituents desired.

Until 1832, when the ayuntamiento of Brazoria was created, all the Anglo-American portion of Texas, except that between the Sabine and the San Jacinto, was subject to the jurisdiction first of Austin and then of the ayuntamiento of San Felipe. The machinery of local government in frontier societies is likely under the most favorable conditions to work jerkily, with much grumbling and protesting, reflecting the characteristics of the community. The normal "North American frontier republican" is impatient of the restraints and formalities of law; and here the natural difficulties of local administration were aggravated by the obstacle of language and the colonist's inability to inform himself of the laws. It, nevertheless, seems plain from the documents that actual government in Austin's colony conformed with noteworthy fidelity to the constitution and the laws. Perhaps this was due in part to the fact that in its essentials the system did not differ greatly from that with which the colonists were

already familiar, but it was also due in no small measure to Austin's powerful influence and unremitting oversight. "Upon the whole," wrote a recent settler from Missouri in 1832, "I believe we get along full as well as the inhabitants of territories in the United States, believe the laws here are as well administered as they are in Arkansas and perhaps better, and equally as well as they were when I first went to Missouri."

CHAPTER XII

DESCRIPTIONS OF TEXAS IN 1828, 1831, AND 1833

By Stephen F. Austin

[The first of these descriptions was written in August, 1828, as an accompaniment to Austin's map of Texas. It is taken from an undated clipping from the *Galveston News* in the Austin Papers of the University of Texas. The second was apparently intended for publication in pamphlet form to be circulated in Europe. The federal law of April 6, 1830, closed Texas to emigrants from the United States, except in the existing colonization contracts of Austin and Green DeWitt. Austin and Samuel M. Williams obtained a contract in February, 1831, to settle eight hundred families of Mexicans and Europeans, and this pamphlet was intended to promote emigration from Europe. It seems not to have been printed. The original manuscript is in the Austin Papers. The third description was written in August, 1833, to support the application of the convention of that year for the erection of a state government in Texas separate from that of Coahuila. In it Austin certainly exaggerates the population, and, possibly, the economic development of Texas in order to strengthen the claim for State organization. The document is from the University of Texas transcripts from department of fomento, Mexico. It should be compared with Austin's *Exposición Sobre los Asuntos de Tejas,* written in January, 1835 (translation by Ethel Zivley Rather, *The Quarterly* of the Texas State Historical Association, VIII, 232–258), and with J. N. Almonte's *Noticia Estadistica sobre Tejas,* a translation of which by Carlos E. Castañeda is published in *The Southwestern Historical Quarterly,* XXVIII, 177–222. These descriptions are published in *The Southwestern Historical Quarterly,* XXVIII, 98–122.]

Texas in 1828

Texas embraces a very extensive and valuable territory. A single glance at the map will be sufficient to indicate the great advantages derivable from its local position in point of climate and commercial facilities. It bounds the territory of the United States on two sides, the east and north, and extends as it were liked a peninsula into that nation.

The intercourse by water along the coast is easy and safe. Three or four days' sail takes you from the coast of Texas to the mouth of the Mississippi, or to Vera Cruz, or the Havana. The land communication is equally easy, being open on the whole extent of the Louisiana and Arkansas frontiers, and susceptible of good roads, leading into Opelusas, Attakapas, Natchitoches, and the upper settlements of the Arkansas or Red River, and also, to New Mexico, Chi-

huahua, and all the Mexican states lying to the west. The West Indies lie in front, and an immense extent of Mexican coast to the south, thus affording channels of commerce in every direction.

The climate of Texas is mild and healthy. The territory lies between 28, and 34, north latitude, and is gently fanned throughout the summer by pleasant and refreshing sea breezes. The country is intersected by four rivers that are navigable from one hundred to four hundred miles, to wit: the Neches, Trinity, Brazos, and Colorado, besides a great number of small streams that afford good navigation for a shorter distance; and the abundance of its creeks and living springs, taken in connection with its topographical character, probably present more extensive facilities for colonizing than can be found on the same surface in any other part of North America.

Texas forms an immense inclined plane, the apex of which is the highlands south of Red River, in which its rivers have their source. From this summit, to the Mexican Gulf, the inclination is towards the southeast, and is astonishingly uniform. The surface is beautifully undulating to within about sixty miles of the sea coast, where it becomes level. Some parts of the northwestern section are hilly, particularly on the heads of the Colorado and Guadalupe rivers, though the general feature of an inclined plane is observable throughout, for the hills do not form leading ridges that impede the flowing waters to the southeast, neither are the undulations greater than are necessary to render the country dry, healthy and beautiful. The hills gradually lessen until they lose themselves in the level strip that borders on the coast, which is from forty to seventy or eighty miles wide.

The rivers and creeks form very deep beds with high banks, through this level region, and the tide water flows up them from twenty to forty miles. The whole of this tract without exception is entirely free from marsh or lakes, even down to the sea beach. The soil is of the first quality of alluvian lands, the banks of the streams are heavily timbered, and covered with immense cane brakes; between them is level, but dry and rich, prairie land.

The timbered bottom lands on the rivers are from two to fifteen miles wide, a small part is subject to inundation in extreme high freshets, but the floods are not frequent, and owing to the comparative shortness of the rivers soon subside. The undulating country has timbered and prairie land conveniently intermingled, abounding in springs of good water, and the same may be said of the hilly country on the Colorado and Guadalupe. The pasturage is surprisingly abundant and luxuriant and is good both summer and winter.

Texas possesses many beds of good iron and lead ore, and it is said that copper, silver, and gold have been found in small quantities in the high region of the Colorado, but no experiments in mining have been made, for two reasons, one is, the supposed mines of

the precious metal are in the Indian country, and another, the want of population and capital.

Nature seems to have formed Texas for a great agricultural, grazing, manufacturing, and commercial country. It combines in an eminent degree all the elements necessary for those different branches of industry. It possesses at least 70,000 square miles of sugar lands, south of latitude 30 and east of the river Nueces, which is the western boundary of Texas. This river is about 80 miles east of the Rio Grande, or Bravo del Norte. The northern and high parts of the country are well adapted to wheat and small grain, and the situation of the streams affords great facilities for waterworks and irrigation. The whole country produces cotton of the best quality, acknowledged in New Orleans to be superior to Louisiana cotton. The tobacco and indigo is also of superior quality, the latter is spontaneous growth of the country. In addition to these, the soil and climate are well adapted to the culture of the vine, the olive, and other fruits and productions of a temperate southern latitude. The country on the Sabine, Neches and Trinity rivers abounds in good pine timber, and some cypress, and cedar, though the two latter are not abundant, and live-oak and the other species of oak and the North American timber is sufficiently abundant in every part of the country, except the southwestern section on the Nueces, which is thinly wooded.

The Mexican government with a degree of liberality unequaled have opened this fine and truly desirable country to the enterprising and industrious of all nations; lands are granted to emigrants for almost nothing. The principal requisite to obtain them is actual removal and settlement, and unquestionable evidence of good character, and steady, moral and industrious habits; indeed, without such evidence, no one is permitted to receive land as a settler.

In the winter of 1820–21 Moses Austin of Missouri visited Texas, and obtained from the Spanish authorities permission to introduce and settle three hundred families from the United States in Texas. This gentleman died on his return to Missouri, and the enterprise was taken up by his son, Stephen F. Austin, who visited and explored the country in the summer of 1821, and made the necessary arrangements with the governor of the province. He returned to Louisiana, and in December of the same year arrived on the Brazos river, with a part of the families he was authorized to colonize. After the independent government was established, and organized, he visited the City of Mexico, and obtained a full confirmation of his grant to settle the colony from the National Mexican Congress, and has subsequently obtained a large extension of the same.

Texas, at the time Austin entered it, was entire wilderness with the exception of the old Spanish posts of San Antonio de Bexar and La Bahía (Goliad), and they were poor and inconsiderable villages reduced to wretchedness and misery by the arbitrary and cruel meas-

ures of the Spanish general in 1813 after the defeat of the Republicans on the Medina; and by the subsequent Indian war, with the Comanches, and other savages.

Between the Sabine and San Antonio, a distance of four hundred miles there were not twenty souls of civilized inhabitants, and the country was occupied in every direction by wandering bands of the Comanches, Lipans, Tancawas, Wacos, Tawacanys, Karankaways and other Indians.

The government at this period (the winter of 1821–22) was unsettled; all Mexico was in revolution. The Spanish power was prostrated, but much doubt and uncertainty prevailed as to the final result. Public opinion, and parties vacillated between monarchy, aristocracy and republicanism; and it would seem that even these flattering hopes could have offered few inducements to enter Texas with families of women and children, under such circumstances.

Colonel S. F. Austin, and the families who embarked with him, in the arduous effort of settling this wilderness, knew and fully understood their situation, and the risk, perils, and hardships they must necessarily be exposed to. They had confidence in themselves, and relied upon that confidence alone for safety, and protection and success. The alarming and exaggerated rumors that went abroad relative to the sufferings of the first settlers greatly impeded the progress of the new settlements, and increased Colonel Austin's difficulties in procuring emigrants. True it is, the first adventurers suffered greatly. They did not taste bread for six months; their only hope for subsistence was the game of the forests until they raised a crop; and they were constantly harassed by Indian depredations. The vessels sent round from New Orleans by Austin with provisions and supplies were lost on the coast and plundered by the Indians, and many other casualties occurred; but great as the obstacles were that opposed their settlements in this wilderness, their fortitude and perseverance was still greater, and success has fully rewarded their toils.

Austin's colony at this time (August, 1828) contains about 3,000 inhabitants and is flourishing. The settlers are beginning to reap the fruits of their labors; they have opened extensive farms, and the produce of the soil far exceeds their most sanguine expectations. A number of cotton gins and mills are in operation and several more are building; about six hundred bales of cotton and eighty hogsheads of sugar will be made this season. Commerce begins to enliven the shores of the river, and peace and plenty everywhere prevail.

There probably is not at this time such an opening on the globe for industry and enterprise as in Austin's colony. Land of good quality may be had in large tracts by emigrants of good character, which will enable a man of large family to settle all his children around him; the cost will not exceed four cents per acre, including surveying, office fees, and all other charges, and five and six years are allowed to pay a

part of that in. Those who emigrate now will have none of the difficulties of the first settlers. Provisions are abundant and cheap, roads are opened. The Indians are subdued, and driven back and are all at peace. The country is known, and an experiment of six years has proved its healthfulness and value. At this time no one comes on an uncertainty—the government is settled on the basis of true republicanism. The new settlers are represented and enjoy every civil privilege that reasonable men need ask. Those who are here are content, and say that this is the easiest and most favorable and munificent government they ever lived under.

Slavery is prohibited by the Constitution, but contracts made with servants or hirelings in a foreign country are guaranteed by a special act of the legislature, as valid in this state.

The general character of the settlers of Austin's colony is that of moral, industrious, and good citizens. The local government has been administered without the aid or necessity of one soldier to enforce obedience. Crimes, rioting, and those disorders incident to all new countries are almost unknown, and impartial men will say that no new settlement on any frontier of the United States can boast of more good order, morality, and subordination to the laws than Austin's colony.

It has been a rule with Colonel Austin from the beginning to receive none but good men and to drive away bad ones, and he will now receive none who do not present evidence of good character from the local authorities of the place where they remove from.

Men of large families and small or no capital cannot do better than to emigrate to this country. Austin is authorized to settle a large number of families, and his well known and established character with the Mexican government—his experiences in colonization, and his uniform devotion to the interest of the settlers, to the accommodation of honest poor men, and to the general prosperity of the country probably qualifies him as well to succeed as any other now engaged in enterprises of this kind.

Austin was the first who attempted to colonize in Texas. He opened the way, and has devoted seven years of the prime of his life to this object. His present poverty as to monied capital or disposable means affords an unquestionable and honorable proof that he has been influenced more by the general good and prosperity of the settlers than by views of individual profit, for had the reverse of this been his object, he has had abundant opportunities of speculating, but he could not embrace them without neglecting what he deemed to be his duty to his settlers, and therefore he did not.

The success of Austin's colony in the wilderness of Texas, under the disadvantages and difficulties that opposed such an enterprise, affords a most striking and highly honorable example of North American enterprise, perseverance and fortitude, and it has paved the

way for the settlement of the whole of this fine and heretofore uninhabited country.

Texas in 1831

The encouragement given by the Mexican government and by the state of Coahuila and Texas to emigrants to Texas from Europe merits the popular attention of those who have a desire to better their fortunes by a removal to America. It is believed that the advantages which may be secured by a removal to that desirable country, Texas, are much greater than have ever before been offered by any government of either hemisphere.

Texas at present forms a part of the state of Coahuila and Texas. It is provisionally annexed to Coahuila until its population and resources are sufficient to form a separate state distinct from Coahuila.

It is situated on the coast of the Gulf of Mexico to the west of Louisiana, from which it is separated by the Sabine river. The latitude is from 28° to 34° 30′ north. It is bounded on the east by Louisiana, on the north by Red River which separates it from Arkansas, on the west by the Nueces river which divides it from Tamaulipas and Coahuila, and on the south by the Gulf of Mexico. The climate is salubrious, temperate, and pleasant. The soil is of superior quality and remarkably fertile and productive. The natural pasturage for horses, cattle, sheep, goats, hogs, etc., etc., is beyond description luxuriant and is sufficient to support large droves of those animals winter and summer without any other expense than herding, so as to prevent their scattering.

The staple articles of Texas will be long and short staple cottons of fine silky texture and very superior quality, sugar, indigo, tobacco, wine, olives, wheat, flour, maize, rice, beans, peas, potatoes and vegetables of various kinds, beef, pork, bacon, butter, cheese, horses, mules, hides, tallow, fine and coarse wool, and lumber. Some experiments have been made of hemp, flax, wheat, rye, oats and barley, which have succeeded very well in the undulating country back from the coast. The fruits will be peaches, oranges, limes, lemons, figs, etc., near the coast, and apples, peaches, pears, grapes, etc., in the interior.

The mineral wealth of Texas has never been carefully examined or explored. It is, however, well known that iron ore of good quality is very abundant in many places on the headwaters of the Sabine river, and also not more than one hundred miles from the coast on the Brazos, Colorado and Guadalupe rivers. Lead ore (galina) has also been found in various places. Sulphur is very abundant on Trinity river. Stone or bituminous coal has been found in quantities on the Trinity, Brazos and Colorado rivers, and no doubt abounds.

A silver mine is known on the San Saba river, a western branch of the Colorado. Salt is easily made on the coast, and salt springs are very numerous in various places in the interior.

New Orleans, which is within three days' sail of the mouth of the Brazos or a short journey by land, the West Indies, and the cities of Matamoras, Tampico, Vera Cruz, Campeche, etc., on the Gulf of Mexico, will always afford a profitable market for some of the articles of Texas produce, particularly horses, mules, oxen, and beeves for the New Orleans market and all kinds of provisions, stock, and lumber for the Mexican and West Indies markets. The interior of Mexico will also afford a market for many articles of Texas produce and manufacture.

Galveston, Matagorda, Aranzas, and the Nueces Bays, and the mouth of the Brazos river are all good inlets. The first two have twelve feet of water over the bar, the other two bays have eight feet and the mouth of the Brazos has six feet. Custom houses are established in Galveston and Matagorda bays, and at Brazoria near the mouth of the Brazos river. The other two bays are not regular ports of entry, owing to the wilderness state of the country round them, but will no doubt be opened as soon as the Irish colonies are filled up which have been commenced on that part of the coast of Texas, and which are now prosperous, considering the newness of their establishment.

The rivers of Texas are the Sabine, Neches, Trinity, Brazos, and Colorado, all navigable a considerable distance into the interior, also the San Jacinto, Buffalo Bayou, San Bernard, La Baca, Guadalupe, San Antonio, Aransas, and Nueces all navigable a short distance. Of all the rivers of Texas, the Brazos and Colorado are the largest. The Guadalupe and San Antonio are very beautiful rivers of pure fountain water, and afford a great many eligible situations for water mills, as also do the innumerable creeks and branches of the other rivers.

Texas is divided into three distinct tracts or regions of country, whose characteristics are, in many respects, entirely different. These are the level, the undulating, and the mountainous regions.

The whole coast of Texas, from the Sabine to the Nueces, is rather low and very level, but is entirely free from marsh, so much so that in most places a loaded wagon may be driven down to the sea beach or shore of the bays without any difficulty. There is a belt of prairie along the coast which extends back eight or ten miles and is timberless except for the skirts on the rivers and creeks, which reach to the beach.

The level region extends back from the coast in a northwesterly direction about seventy or eighty miles as far west as to the vicinity of the Guadalupe river, west of which to the Nueces the undulating lands reach to within twenty or thirty miles of the coast.

The country on the Sabine, Neches, Trinity, and San Jacinto is

heavily timbered and wooded with thick groves of good pine, cypress, oak, ash, and other timber. The level region extends back about seventy miles from the coast in this section of Texas, east of San Jacinto. Above that to the north and northwest the country is gently undulating to Red river, there being no part of it mountainous or even sufficiently broken to be called hilly. The thickly wooded lands continue quite to Red river north of the heads of the Sabine and Neches, and pretty high up on Trinity. Above this and west of the headwaters of the Sabine there is a considerable belt of gentle undulating prairie country extending up and down Red river which is thinly timbered, the groves being confined to the margins of the streams.

The whole of this eastern and wooded region is very abundantly supplied with living streams of pure water, which afford many favorable sites for saw and other mills, either water or steam. The lumber business from this quarter will be very valuable so soon as mills are put in extensive operation. There is now one steam saw mill completed on the Buffalo Bayou, and another is building on the east bank of San Jacinto near its mouth. The soil in this wooded section is generally well adapted to agriculture, though it is greatly inferior in fertility and in pasturage to the country on the Brazos, Colorado, and Guadalupe rivers.

The old Spanish military post and village of Nacogdoches is situated in the center of this section of Texas, about sixty miles west of the Sabine. In 1819–20 it was totally broken up by the revolution and abandoned and so remained until S. F. Austin commenced the settlement of his colony on the Brazos river in 1821. It is now a respectable village, and has a garrison of Mexican troops. The adjoining country, and between there and Sabine, has a considerable population of respectable farmers.

A military post and town was established in 1830 by order of his excellency General Teran, on the northeast bank of Galveston Bay, opposite the mouth of Trinity, and called Anahuac. The country on Trinity river in the neighborhood of this place is pretty well settled with Americans and there is also a considerable settlement of them low down on the Neches.

Anahuac will no doubt become an important place, as it will command the trade of the Trinity river, and a considerable portion of the San Jacinto and Neches.

That section of the level region of the coast situated between the San Jacinto and the Guadalupe rivers, including the lower parts of the Brazos, San Bernard, Colorado, and La Baca rivers, extends into the interior a northwesterly direction about eighty miles from the coast. The soil over the whole of this extensive section is of the first quality, and probably is exceeded in fertility by no other tract of country on earth of equal size. The land is sufficiently elevated

to drain easily and rapidly after heavy floods of rain, and the supply of permanent water and timber is quite abundant.

The alluvial or bottom lands of the Brazos, San Bernard, and Colorado are from four to fifteen miles wide, heavily timbered, covered with immense and almost impenetrable cane brakes, free from all injurious overflows from the rivers, and entirely clear of large lakes, wet swamps or marsh. The Guadalupe, La Baca, Navidad, and a number of creeks that intersect this level region also afford large bottoms or tracts of alluvian soil on their margins, and are well timbered.

The intervening country between the rivers and creeks is open, level, rich, and elevated prairie, clothed with a very thick and luxuriant growth of grass of a good quality for pasturage. Very pure and palatable water is found in wells from twelve to twenty feet deep all over this level region, and the water of the rivers and creeks is also good and wholesome.

Near the mouth of the Brazos a town has been founded by S. F. Austin called Brazoria, which is the commercial depot of that river, and of the adjoining country on the San Bernard river. It is improving and flourishing very rapidly and must become a large and very important place in a few years.

A town has also been laid off at the mouth of the Colorado river on the Bay of Matagorda, which is called Matagorda. This place will become the depot of the Colorado river and of a very rich and extensive country.

The town of San Felipe de Austin, founded in 1824 by S. F. Austin and the commissioner of the government, Baron de Bastrop, as the capital of Austin's colony, is situated on the west bank of the Brazos river about eighty miles by land and two hundred by water from its mouth, and at the upper or northern limits of the level region. It is the residence of the empresario, S. F. Austin, and the state and municipal officers of the jurisdiction, and all the land and judicial business is transacted there.

Above, and to the northwest of the level region last noticed, the country is beautifully and gently undulating. This description of land extends up the Brazos, Colorado, and Guadalupe rivers one hundred and fifty to two hundred miles above the upper limits of the level region and reaches to the mountain ranges of Texas.

This undulating region is probably as desirable a country for all the wants and necessities of man as any other on earth. The soil is generally of first quality. The climate is much more wholesome and pleasant than in the level region. There are no mosquitoes or horse flies of any consequence. The surface is beautifully and very fancifully diversified and checkered off into small prairies and woodland tracts, thus presenting to the farmer large fields of rich lands cleared by the hand of nature and ready for the plough. The sur-

rounding groves of woods afford the best of oak, cedar, and other timber at a convenient distance for building and fencing.

This whole tract of undulating country is very well watered, and abounds in permanent running springs and creeks which all have more or less bottom lands, and are very beautifully lined with the lofty forest trees of the rich alluvial soils. The undulations are in many places quite elevated, but rise gently and a long distance before you reach the summit. There are but very few steep or abrupt breaks or cliffs, and nothing that would be called hilly.

From the summits of these elevations the landscape is very richly and agreeably diversified by the gentle and extended slopes. The round tops of the elevations here crowned with a grove and there presenting a bald surface of grass, the rich pale yellowish green of the small prairies or natural lawns, the dark foliage of the cedars, lofty woods that fringe the banks of the creeks and drains which wind their serpentine course through the small valleys and natural meadows at the feet of the undulations, all combined present a landscape at once pleasing to the eye, and cheering to the imagination, which in its fancy fills the scene under view with fine forms, the abode of health, plenty, cheerfulness, and happiness.

A military post and village have been established on the west bank of the Brazos above the upper road and about twelve miles below the mouth of the San Andres river, and about one hundred miles above San Felipe de Austin. This post is called Tenoxtitlan and is beautifully situated and abundantly supplied with large and pure fountains of water. It is understood to be the intentions of government to keep up a considerable garrison at this place to protect the northern frontier of the colony from the Indians, and also to promote the settlement of the interior country on the Brazos. Tenoxtitlan bids fair to become a considerable inland town. The country round it is very fertile and pleasant, and the Brazos river is navigable above this in time of freshets.

The level region lying to the west of Guadalupe and between that river and the Nueces differs from the other parts of the coast in being much more scarce of timbers, in fact almost destitute except on the San Antonio and Aransas rivers where there is a sufficiency, though not an extensive body. The soil is very rich and fertile, the water good. The climate is more pleasant and wholesome than farther east, and the pasturage much better, being composed of a different kind of grass called the mesquite grass. It is fine, seldom exceeds six inches in height, resembles the blue grass, and is the most nutritious pasturage in the country—it also has the advantage of being green all winter.

Two Irish colonies have been contracted for with the government by four gentlemen of Ireland, on the Nueces and between that river and the Guadalupe. These colonies have been commenced, and are

in a state of favourable advancement and offer a very fine opening to Irish emigrants.

The country back and to the northwest of the level region last mentioned (between the Guadalupe and Nueces) is undulating, moderately so at first, and rising higher by degrees to the mountain range about two hundred miles distant. The whole of this section affords the best of pasturage, being principally of mesquite grass, and is probably better adapted to graze in than any other part of Texas. The soil in general is good—timber and water are scarce, the nopal, or prickly pear grows here in great quantities and very large. Limestone is abundant, to within fifteen or twenty miles of the coast.

There is a low tree belonging to the locust family, called the mesquite, which is very abundant all over this section. It seldom grows larger or taller than a very large peach tree, which it resembles very much in its general appearance. The leaves are those of the honey locust, only smaller, it has a small thorn, it bears a bean pod about the size and shape of the common snap bean, which is very sweet, is used by the Indians in time of scarcity of food, and is equal to corn to fatten horses, cattle or hogs. The wood of this tree is very lasting, fully as much so as cedar, and is very valuable for posts in making post and rail fences. It is also better for fire-wood than ash or hickory. The leaves of the mesquite are thought to be the best food that can be obtained for goats, and as those trees are low and in many places are only shrubs the goats keep fat by browsing on them when there is no grass.

The tender leaves and fruit of the prickly pear are very nutritious food for horses and horned cattle, particularly the latter, which fatten on them.

The town of San Antonio, or San Fernando de Bexar, is situated in this region on the San Antonio river in latitude 29° 25′ north, longitude 99° 30′ west. This place is the capital of Texas, and contains 2,500 inhabitants. The village of Goliad (formerly La Bahía) is situated on the same river in latitude 28° 55′ at the upper extremity of the level region and about twenty-five miles from the coast.

The mountain range extends from the mouth of Rio Puerco, a branch of Rio Bravo, in a northeasterly direction, and enters Texas at the sources of the Nueces river, thence continuing its northeasterly direction to the head of the San Saba, a branch of Colorado, it bends more to the east down the San Saba and crosses the Colorado below the mouth of the San Saba, and is finally lost in the undulating country on the west of the Brazos near the mouth of the San Andres, or San Gabriel, a considerable tributary of that river, about two hundred miles above the town of San Felipe de Austin. The mountain range does not cross the Brazos river, and the country east of that river and up the Trinity is gentle, undulating, and in some places quite level.

High up on the Brazos river there is a large mass of metal which it is said is worshiped by the Comanche Indians. It is of several tons weight—is bright—has no rust or oxide of any kind on its surface and is perfectly malleable. A large piece of this metal was taken at a great expense to New York by way of Natchitoches many years since, under the belief that it was platina, but it is said that the experiments made by Dr. Mitchel and other chemists in that city proved that it was pure iron in a malleable state. The existence of such a mass of metal is beyond all doubt and can be attested by many persons in Natchitoches and in Texas who have been to the place.

Spurs of the mountain range extend southwardly down the rivers Medina and Guadalupe to the vicinity of Bexar and within sight of the road leading from that place to Nacogdoches called the upper road, and also down the rivers Llano and Pedernales, branches of the Colorado. Similar spurs also stretch up the Colorado above the mouth of San Saba and round the headwaters of the San Andres between the Colorado and Brazos.

These mountains are of third and fourth magnitude in point of elevation. Those of San Saba are the highest. They are in many places thickly covered with scrubby cedar, live oak, and other trees. Granite, limestone, quartz, and other species of mountain rock usually found in mountains are very common, and it is believed they abound in mineral wealth, particularly on the San Saba, where traditions say a rich silver mine was successfully wrought many years since, until the Comanche Indians cut off the workmen.

Very large and fertile valleys of rich arable alluvial land are found all through this range, particularly on the San Saba, Llano, Pedernales, Conchos and Pecan Bayou, branches of the Colorado, on the San Andres and Bosque, a branch of the Brazos, on the Guadalupe, Medina, and Nueces. The sides and tops of the mountains are also in most places susceptible of cultivation.

The soil is generally rich and well adapted to wheat and other small grains, and to the vine and northern fruits. The pasturage for horses, cattle, sheep and goats is very good all over these mountains, particularly for the two latter, and there is no doubt this section of Texas will afford very large quantities of wool for home manufacture, or for exportation.

This range of high land is no doubt of very great advantage to Texas. It renders the air more pure, and abounds in large fountains of pure water, which flow off with a rapid current and uniting form the large rivers of the central and western parts of Texas—all of which are much more wholesome and limpid than those to the east of the Brazos.

This mountain region will also at some future time supply all Texas with good wheat flour, and afford a considerable surplus for

exportation also with rye, hemp, flax, and northern fruits and wine. Iron, lead, and several other valuable metals will be supplied from this section, and also stone coal. It will be a very favourable country for raising fine horses; the climate and pasturage will suit them better than in the level and hot regions near the coast.

North of this mountain range and on the extreme head of the Brazos and Colorado the country becomes level and forms high and interminable prairies, which stretch to the north and northwest beyond the Red and the Arkansas rivers and are lost in the vast ocean of prairies which extends to the heads of [the] Missouri and to the Rocky Mountains.

Texas, as an extensive country, is probably the most desirable part of North America. Its climate is diversified, salubrious, and pleasant. It affords every species of soil which can be found in level, alluvial, undulating, or mountainous countries, embracing all the varieties of clayey, sandy, pebbly, rocky, alluvial, and all their intermixtures. It is sufficiently supplied with good timber and wood lands—also with the most useful metals. Its rivers and harbors are abundantly sufficient for all the purposes of commerce, and it is conveniently situated on the coast of the Mexican Gulf to trade with the United States of the North, the Mexican ports, the West Indies or with Europe. It is susceptible of great internal improvements by rail or turnpike roads and canaling.

The question may be asked why has this very desirable country never been heard of or settled before? The answer is plain. The Spanish government locked up Texas, as it did all its American possessions, and even excluded visitors and travelers. In consequence of this policy Texas remained unknown and an entire and howling wilderness filled with uncivilized Indians, from the limits of Louisiana to the villages of La Bahía (now Goliad) and San Antonio de Bexar, until the year 1821, when Mr. Moses Austin of Missouri obtained permission to settle a colony of three hundred families in Texas. He died in June of that year, and his son S. F. Austin explored the country during that summer, and in the following winter he commenced the settlement of Austin's colony on the Brazos and Colorado rivers. After ten years of most untiring perseverance he has fully succeeded in redeeming from the wilderness all that part of the coast of Texas lying between and around Galveston and Matagorda bays, and as far into the interior as to the upper or San Antonio road.

Austin's colony has now (1831) upwards of six thousand inhabitants, principally North Americans, and some English, Irish, and Germans. Very rigid rules were adopted by Austin, under the orders of government, to exclude all men of bad character and dissolute habits from his colony, which is composed of farmers of great respectability and industry. The most conclusive evidence that can be

presented of Austin's fidelity and care in the discharge of his duties and of the high standing and respectability of his colony, is the fact that both himself and the colony possess the full confidence of the Mexican government, and have uniformly received the protection and cordial approbation of all the superior federal and state officers.

This colony contains many large and productive farms, and the crop of cotton in 1831 was upwards of one thousand bales, of five hundred pounds of clean cotton each bale, and in 1832 it will greatly exceed that amount. Considerable quantities of provisions are raised of all kinds which might be plenty and cheap, and besides this, the introduction of provisions, frame houses, and lumber from foreign countries is permitted by law for the present free of duty which will allow emigrants to bring supplies with them.

Agreeably to the existing laws European emigrants (except Spaniards) are preferred to any others, and important advantages are given to them over North Americans from the United States.

There cannot be a doubt but that industrious farmers and capitalists would materially benefit themselves by a removal to Texas. The industrious and economical farmers would soon advance their fortunes and make themselves independent by agriculture, and the money of the capitalists invested in manufactories, agriculture, or commerce would yield them an immense interest.

The quantity of land that is granted to settlers is of itself a handsome fortune. Agreeably to the existing colonization laws a family gets one league of land and a single man the quarter of a league. A Mexican league is equal to *four thousand four hundred and twenty-eight acres,* English measure. The whole cost of a league will in no case exceed four cents per acre, including the surveying, establishing the corners, office and commissioner's and government fees and charges, and all other expenses whatever. For a considerable portion of this small sum a long credit of from one to four, five, and six years is given.

S. F. Austin, who has been successfully engaged in colonizing for the last ten years, and whose character for good faith and integrity, and high standing with the government are well established, has authority to settle European families on the vacant lands remaining within the limits of his old colony and in a new addition which includes all the undulating and a part of the mountain regions on and between the Brazos and Colorado rivers.

Emigrants are not confined to Austin's colony, the whole of Texas is open to them and they can settle in any part of it by applying to the proper authority for permission, and complying with all the legal requisites. The colony, however, clearly presents more advantages than any other part of the country, owing to its advanced state, the good moral character of its inhabitants, the organization of its local government, and the facilities of procuring accommodations immedi-

ately on landing, provisions, and the means of transportation (horses, wagons, etc.) into the interior of the country. Also in the colony all the business of the settler, writing petitions, translating, and interpreting is done for him and information is given as to what land is vacant and what is not, and its situation and quality, the charges for all which are included in the before mentioned sum of four cents per acre.

Austin's object never has been a mere speculation, on the contrary, he has always complied rigidly and scrupulously with his contracts and obligations as a colonizing agent, and as an officer of this government and labored to settle this country with moral, and industrious farmers. No money is required by him of the settler until he has first examined the land, or is satisfied as to its quality and has received the legal title for it in due form from the government commissioner appointed to issue land titles or patents.

None but emigrants of the best class as to moral industrious and sober habits and respectable character and standing in the country where they remove from will be received by Austin, and each one will be required to accredit his character by evidence from the civil or judicial authority of the place of government he removes from, and no one need apply for admission into this colony without such evidence properly authenticated to avoid fraud or impositions.

Also, none need apply or expect to get a title for land in the colony or in any other part of Texas until after he has actually removed his family and settled himself permanently in the country. The idea which seems to have prevailed in New York and other parts of the United States that land can be held in Texas by foreigners who live in a foreign country, or who are not legally naturalized, is totally incorrect and in direct opposition to all the land laws, regulations, or even customs of the Mexican government. An actual removal to the country is therefore necessary before any title can issue; and an actual occupation and cultivation of the land granted, within the time prescribed by law, are indispensable requisites to perfect the title, after it is issued. Those who have any idea of removing to Texas would do well to keep these facts in remembrance.

The political constitution of the state of Coahuila and Texas prohibits slavery forever within its territory, so that after the slaves are dead who were introduced before the constitution was published, Texas will be entirely clear of that worst of reproaches against a free and enlightened people. The exclusion of slavery opens a vast field in Texas for the enterprise and profitable employment of white laborers.

Experience has clearly proved for ten years past that white men can labor in Texas as well and as safely to their health as anywhere else. They must use some precautions it is true the first year until they are somewhat acclimated, and there never is any urgent necessity

for hard labor on a farm, or exposure to the heat of the sun after the month of July. All the heavy part of the labor on a farm is done during the winter, spring, and autumn months. In the winter the land is cleared, fenced, ploughed and prepared for planting. In February and March it is planted. Before July the crops are all worked and weeded and finally laid by, as the farmers term it. In October and November the crops are gathered. Wheat, rye, and other small grains ripen and are reaped the last of May, before the hot weather comes on.

English, Irish, German, Dutch, French, etc., farmers, and capitalists who emigrate to Texas, would do well to bring a number of families with them as laborers, bound under written contract to serve for a term of years for certain fixed and specified wages. Such contracts would be binding and could be enforced by the existing laws. It is confidently believed by the writer of this that if Texas were to be explored by an English, German, Dutch, or French gentleman of such known respectability and character in his own country, as would give full credit to his statements and representations after he returned, it would be the means of benefiting himself and a large number of his countrymen by inducing them to emigrate.

Many erroneous opinions and false and unjust impressions prevailed in England some time ago, in consequence of the statements made in the English parliament by several distinguished members, in the debate relative to Mexican affairs. Sir Robert Wilson and others thought proper to state, in that debate, that the colonists of Texas had rebelled, that they were composed of fugitives and turbulent persons, squatters, etc., and that the Mexican government had sent a force of 4,000 men to expel them from the country, etc., etc. Now the fact is, such statements never had the least foundation in truth, and evidently must have been made from erroneous information. The colonists of Texas were invited into the country by the colonization laws of the Mexican government, and did not intrude themselves into it by force and illegally.

The settlers of Austin's colony so far from rebelling or manifesting anything like discontent, have on various occasions repelled the inroads of hostile Indians, and maintained good order and the authority of the government whenever it was disturbed. This colony, the first that was undertaken, the only one that has fully succeeded, has sustained itself and the authority of government in the midst of a distant and isolated wilderness, without the aid of one soldier or of one dollar from the Mexican government. It is well known that the settlers of Austin's colony are not illegal intruders or squatters. The single fact that the founder of this colony is a member of the legislature or Congress of the State of Coahuila and Texas, and was elected to that office by the votes of his settlers, ought to be sufficient and conclusive evidence as to this point, for had he, or his colonists intruded

themselves illegally into the country, the Legislature would certainly never have permitted him to take his seat, neither would the right of suffrage have been recognized in the colonists, a right which can only be exercised by naturalized citizens.

The motto adopted by Austin when he began his colony was "Fidelity and gratitude to Mexico, and to be true and faithful to her interests, and also to the just rights and interests of his colonists." This motto has been and is the great governing principle of the settlers. They will no doubt continue to be, as they ever have been, true and faithful to the government of their adoption, and also true to themselves. Should their adopted country and government be unjustly and wantonly assailed by the United States of the North (as the British orators most erroneously and without any reason unjustly supposed it would be) or by any other power whatever, they would be amongst the first to take up arms in its defense and risk their property and lives to sustain the independence and constitution of Mexico; and on the other hand should they be unjustly and arbitrarily oppressed and their rights of property or of persons be wantonly trampled upon, they will of course resist, and defend their property and persons to the utmost of their power, as Englishmen, and as the Parliament orators themselves would do under similar circumstances. But on this subject, there have prevailed in the United States of the North as many and as gross and utterly unfounded errors as those above alluded to in England.

The colonists of Texas up to the present time have not been oppressed by the government. They are satisfied and have full confidence in the justice and liberality of their adopted government. It is truly unfortunate that any erroneous opinions should prevail on these subjects, in Europe or in the United States, or amongst the Mexican people, for such errors tend to prevent the emigration of many good men who would benefit themselves greatly by a settlement in Texas; and also they cause remarks and illiberal reflections against the colonists of Texas on the one hand, or against the Mexican government on the other which do great harm, and foment jealousies, ill will, and want of confidence where there is no just foundation for anything of the kind.

It is not the object of the writer of the foregoing remarks to induce any person to emigrate to Texas without first satisfying himself as to every particular connected with the subject. He wishes no one to leap in the dark. On the contrary his object is to induce inquiry and a full investigation of the matter. Europeans who feel any interest about Texas can no doubt obtain correct and authentic information by applying direct to the diplomatic agents of their respective governments at the City of Mexico, who can procure copies of the national colonization law of 18 August, 1824, and of the law on the same subject of the State of Coahuila and Texas of 24 March, 1825. Should

a number of persons, a whole village of Germans or Dutch, for instance, wish to emigrate, it would be a good plan to send a special agent to examine the country and make all the necessary arrangements, and then present a detailed report of his observations to those who sent him.

Europeans wishing to settle in Austin's colony can procure every necessary information by applying or writing to S. F. Austin, or to Samuel M. Williams, who has been taken in by Austin as a partner in the last contract with government. Letters to those persons must be directed to the Town of San Felipe de Austin, Texas, and could be sent through some commercial house in New Orleans.

December, 1831.

Texas in 1833

Number of Population. Municipality of Bexar, including the four missions of San José, San Juan, Espada, Concepción, and the Ranches upon the Bejar River	4,000
Municipality of Goliad, including the towns of San Patricio and Guadalupe Victoria	2,300
Municipality of Gonzales	1,600
Municipality of Austin, including the towns of Bastrop, Matagorda and Harrisburg, and settlements upon the Colorado and San Jacinto Rivers, and the new town of Tenoxtitlan	12,600
Municipality of Liberty, including the settlements of Anahuac, Galveston and Bevil	4,500
Municipality of Brazoria, including the town of Velasco	4,800
Municipality of Nacogdoches, including the settlements of the Ayish, Trinity, Neches, Attoyac, Tenaha, Sabine and Pecan Point	16,700
Total number of population	46,500[1]

The wandering tribes of Indians and half civilized persons, whose number passes twenty thousand, are not included in this enumeration.

Products. Those of Texas are: Cotton, sugar, tobacco, indigo, edible grains and vegetables of various kinds; flocks, lumber and boards, leather goods and hides.

Mills. In the municipalities of Austin and Brazoria there are thirty cotton-gins, two steam sawmills and grist mills, six water-power mills, and many run by oxen and horses.

[1] The total white population in 1833 probably did not exceed twenty thousand. Austin was seeking in this report to induce the Mexican government to give Texas a separate state government, and exaggerated the population to show that Texas was ready for such a government.

In Gonzales there is a water-power mill on the Guadalupe river for sawing lumber and running machinery (*mover maquinas*), which is of much importance, since this mill supplies the towns of Gonzales and Goliad and the city of Bexar with boards (*tablas*).

The municipalities of Liberty and Nacogdoches are very well provided with mills and gins, and there is great progress in this industry in all parts of Texas.

General observations.—The planting of cotton is very general and well advanced in all parts, and the yield this year will be more than one hundred and fifty thousand *arrobas* ginned and clean, equal to six hundred thousand *arrobas* with the seed.[2]

The raising of cattle and hogs has increased with so much rapidity that it is difficult to form a calculation of their number. The price for which they sell will give you an idea of their abundance.

Fat beeves of from twenty to thirty *arrobas* are worth from eight to ten dollars. Fat hogs of from eight to twelve *arrobas* are worth three and a half to five dollars each, and lard in proportion.

Butter and cheese, corn, beans, and all kinds of vegetables abound.

The sowing of wheat has not progressed so much, because the climate is not suitable for this grain in the settled region near the coast.

The raising of horses and mules has progressed a good deal, although not in comparison to what it will do when the country is settled in the interior and the Indians subdued, who now make their raids to steal horses.

In the Bay of Galveston there is a steamship, and a company has been formed in Austin and Brazoria for the purpose of bringing one to the Brazos river. There is also a plan to open a canal to join the Brazos river with the Port of Galveston, and another to join the two Bays of Matagorda and Galveston.

The settled part of the country is provided with good roads and there are various new projects and enterprises for bettering the navigation of the rivers with oar-boats and steamboats for the purpose of facilitating the transport of the agricultural products of the interior of Texas to the coast.

There are no schools or academies in Texas endowed or established by the state, but there are private schools in all parts and very good ones; and as soon as there is a local government to give form and protection to education there will be much progress in this direction.

The inhabitants of Texas are in general farmers who own their lands; there are few among them who do not know how to read and write, or who do not understand very well the importance of protecting their property and person by means of a local government, well organized and well supported.

The fact ought to be presented that the resources and qualifications

[2] An *arroba* is equal to twenty-five pounds.

of Texas to sustain a state government are augmented in the highest degree by the enterprising and industrious character of her inhabitants. Their progress is rapid, even in their present situation; but with a state government to enlarge and protect industry it would be much greater, because then there would be security and confidence, which do not now exist.

Proof that the inhabitants of Texas have confidence in their resources to defend themselves against the Indian savages is to be found in the fact that they have not asked troops nor companies of soldiers or money, and they do not need to.

CHAPTER XIII

THE CHARACTER OF THE EARLY TEXANS

THOMAS WHITE AND STEPHEN F. AUSTIN

[The two letters which follow are from *The Austin Papers,* II, 164–165, 197–199. White's letter illustrates the opinion of many people in the United States about the colonists who went to Texas. Austin's answer is fair and honest statement concerning the character of the average settlers. There are many letters scattered through the three volumes of *The Austin Papers* which bear out Austin's statement. The letters given here are printed substantially as they were written, with little correction of grammar or spelling.

THOMAS WHITE TO AUSTIN

Franklin, Louisiana 31st January, 1829.

DEAR SIR:

As I contemplate becoming a resident of Texas, I feel great solicitude about the nature of the population which will inhabit the country. I have been informed that you permit no one to settle within the limits of your colony unless they produce vouchers sufficient to convince you that they possess a good moral character; indeed I beleive such is the law, and I was truly glad to hear that you were disposed to rigidly inforce it. But I am fearful you may be imposed on, for I do no of some very bad men who I have been told are going there. There are a number of criminals who after serveing in the state prisons who it is said when they are turned out look towards Texas.

The planters here have a most desperate oppinion of the population there, orriginating I presume from such vilains as has been driven from among them and who have taken shelter in that province. There are others of my acquaintance whom I got acquainted with before I came to this state who I have understood are now on their way there. I beleive they are from Tennassee and Alabama, and I can assure you that I know no good of them. I do not wish to make specific charges, but be strict in your enquiries about character. I do not wish to mention names because I may see them when I arrive there.

A Gentleman expects to leave Attakapas shortly for the purpose of exploreing your country. If he gives a favourable report, I shall certainly remove there and endeavour to carry along with me a numerous train of friends who I am sure you will find to be honest and industerous citizens and who will bring with them considerable

property. The Gentleman above alluded to feels some apprehension of danger of robery by persons liveing on the opposite side of the Sabine river from this and is waiting to get company to go with him. A planter told me not long since that persons who stole his horses fled to the Spanish country, meaning Texas.

I mention these things to you to apprise you of the objections which the most respectable class of citizens have to comeing to your country, thinking it probable that you would adopt some means to have those lawles fugatives from the laws of their country driven away from this province.

As it regards your Colony I have confidence in what I have heard, that your *intention* is only to admit respectable persons. But I am fearful that some persons haveing the appearance of gentlemen will impose themselves. I heard the other day of a man from New York who says that he is an intimate friend of Burr going to Texas. From what expressions which I heard he dropt I fear you will find him a restless sperit and perhaps a troublesome fellow.

Will you be so good as to write me and let me know whether it is dangerous traveling on the other side of the sabine in consequence of Robbers.

I have heard also that you have obtained an extension of your colony. Pray let me know at what time I could obtain land in it, as I was informed that it was probable it would be ready for settlement this winter. If that be the fact, do let me know and the terms on which I could obtain lands for myself and five or six other families. I removed to this state last year and have not purchased land yet, nor shall I purchase largely untill I see your country or Know more about it from the Gentleman who is about to visit it.

THOMAS WHITE.

P. S.

I shall leave here in a few days for St Martinsville where I would thank you to write me.

Since writeing the within I have been told by a gentleman that there is liveing near the sabine a man by the name of William Knight who brok geoil [jail] here and frequently crosses the river and commits depredations on the state of Louisiana. Would it not be wise to send a force and detect him in his bandit[r]y? I presume that the commander of the Mexican Troops at Nacogdoches would order him and his gang arrested if information was given of the character of Knight and his associates.

[Addressed:] Colo S. F. Austin, Natchitoches Louisiana. The post master will be so good as to forward this to San Felipe de Austin Texas.

Austin to Thomas White

San Felipe de Austin March 31, 1829.

Dear Sir:

Your letter of 31 January came to hand yesterday and I hasten to answer the enquiries you make relative to this country.

You express great solicitude as to the discription of population that will inhabit Texas. On this subject a mistaken idea has prevailed in most parts of the United States, particularly as to this colony. In 1822–3, when I returned from Mexico to go on with the colony, I found that some bad men had entered this section of country and I immediately adopted measures to drive them away which were effectual, but which drew down upon me the full force of the malice and enmity of all that class, and they were not idle in fabricating and circulating every species of falsehoods and evil reports about this colony which ingenuity and baseness could invent. They denounced me as the tyranical agent of a despotic government, and endeavoured to blacken the characters of the settlers here generally.

The most of those who were expelled by me from here, stoped on the Sabine frontier or passed over into Louisiana. Many others of the same class who intended to have removed to this colony and were thus prevented, united with those who were expelled, to blow the clamor about this Government and to blacken every thing appertaining to this colony, and in this way good men have been deceived and even detered from removing here. I lay it down as a rule that has never yet had an exception, that whoever is governed by common rumor or report about this colony, will form erronious opinions and be deceived.

I have not been understood in every instance by the people here as I ought to have been. They have growled and grumbled and muttered, without knowing why, or without being able to explain why; but it has not arisen from moral depravity or because the people are bad. On the contrary it arose from a principle which is common to all North Americans, a feeling which is the natural offspring of the unbounded republican liberty enjoyed by all classes in the United States; that is, jealoucy of those in office, jealoucy of undue encroachments of personal rights, and a general repugnance to every thing that wore even the semblance of a stretch of power.

This feeling is correct when properly guided by an enlightened judgement, capable of discriminating between a necessary and rigorous discharge of official duty and an abuse of it. And here, I confess, the people are somewhat defective, tho not more so than the mass of the people, "the multitude," are in the United States. Ninety nine times out of one hundred, an officer who discharges his duty rigorously and firmly in the United States is denounced by the multitude as a

tyrant, and he generally sinks under the denunciation, unless shielded by the accidental or substantial brilliancy of his acts, or by the amiable suavity of his manners, or by a talent to conciliate popular favor at the expence of candor and truth.

The settlers of this colony taken en masse are greatly superior to any new country or frontier I have ever seen, and would loose nothing by a comparison with some of the oldest counties of many of the southern and western States—this I state as a positive and incontrovertable fact. True it is that some of them have "growled" at me for expelling or rejecting bad men, and they have gone so far as to clamor because bad men have been rigorously handled. It arose from a defect of judgement, and not of the heart. There is a much greater want of men of sound and enlightened and experienced judgement than of sound and pure materials to form a happy community in this colony, tho I will always contend that in this particular we are not behind the great mass of the people of the United States. In proportion to our numbers, we are as enlightened, as moral, as good, and as *"law biding"* men, as can be found in any part of the United States, and greatly more so than ever settled a frontier.

The policy which the Mexican Government has uniformly pursued towards the settlers of this colony, has been that of a kind and liberal and indulgent parent. Favors and privileges have been showered upon us, to an extent that has even caused some to doubt their reality; and hence have arisen many vague and unmeaning suspicions as to the validity of our land titles etc. All such suspicions are vague and unmeaning and groundless.

In the month of May, and perhaps in next month, the whole of the country bordering on the coast from Galveston bay to La Baca river on Matagorda bay will be open for settlement. No grants can be made nor even promises of grants, untill the person who applies has first removed his family and has actually become a settler. He cannot first pick out a place, and get a promise that it will be retained for him and then go back and bring out his family. And no one can be admitted without producing the certificates and proof of character required by law.

The person you speak of called William Knight came to this colony some time ago, and the treatment he met with affords a pretty fair specimen of public sentiment here. He came here in very great apparent distress—stated that he had been shipwrecked and lost his all, etc.—he was taken by the hand a subscription was made up for his relief—he was clothed and fed and attended to in sickness. Our cabbin doors were thrown open, and the hand of liberal and generous hospitality was extended to him, as it is to all strangers and travellers. Accident discovered the gross imposture he had practiced, and nothing but a precipitate flight saved him from severe punishment.

The fears you have of being robbed etc. are all groundless. I

will only make the remark that when you come here, you will be astonished to see all our houses with no other fastening than a wooden pin or door latch, even stores are left in this state. There is no such thing in the colony as a stable to lock up horses nor pens to guard them in; they roam in the prairies. The "Mustangs" or wild horses, are the only robbers that are feared.

I thank you for the caution you give me as to the men of bad character who have started to this country. My intentions are to admit none but good men, but I have been frequently deceived, and no doubt shall be so very often in future, tho I shall try to guard against it.

This colony is very flourishin[g], and now is the best time for emigration. I have certain assurances of an increase of 300 or 400 families next fall, and the sooner you and your friends get on the better chance you will have of making a good selection of land. Stock is high and you would do well to bring out a large stock of cows in particular—or heiffer calves and yearlins.

The disturbances in Mexico do not affect us here—we have nothing to do with them. All that is necessary here is to keep harmony amongst ourselves—and to work hard.

STEPHEN F. AUSTIN.

To Mr. Thomas White

[Addressed:] Mr. Thomas White, San Martinville, Attakapas, Louisiana.

CHAPTER XIV

LIFE IN THE EARLY SETTLEMENTS

By Noah Smithwick

[The selections which follow are from Noah Smithwick, *The Evolution of a State*, 12–19, 38–42 (Gammel Book Company, Austin, 1900). Smithwick wrote from memory at the age of ninety. He describes the life of the colonists at the beginning of settlement. See: Kleberg, "My Early Experiences in Texas"; Hinueber, "German Pioneers of Early Texas"; "Reminiscences of Mrs. Dilue Harris"; "Reminiscences of Captain Jesse Burnham"; J. H. Kuykendall, "Reminiscences of Early Texans"; Smith, "Reminiscences of Henry Smith"—all in the *Quarterly* of the Texas State Historical Association, I, 297–302; II, 227–332; IV, 85–127, 155–189; V, 12–18; VI, 236–253, 311–330; VII, 29–64; XIV, 24–73.]

When the sickly season came on and the men began to leave, I again took up the line of march for Texas, this time on board a coasting schooner owned by parties in New Orleans, chartered by Carlysle and Smith and laden with supplies for the Mexican army. A steam tug towed us out to the mouth of the Mississippi as far as steamers ventured. The weather was lovely as a dream of Venice, and we rounded the Balize and sped away on the wings of the trade winds over the placid waters. We passed Galveston island in plain view. There was no sign of human habitation on it; nothing to give promise of the thriving city which now covers it. It was only noted then as having been the rendezvous of Lafitte and his pirates, and as such was pointed out to me. The trip was a delightful one and I was in fine spirits, when on the third day we threaded the Paso Caballo and ran into Matagorda bay, having made the run in a little over forty-eight hours, a remarkable record in those days. We cast anchor in the mouth of the Lavaca river, where we had calculated to find the Mexican troops, but the movements of the troops, as well as the government, were very uncertain, and there were no troops, no agent, no one authorized to receive the goods. There was not an American there. The colonization law exempted from settlement all land within twenty-five miles of the coast, so the territory was given over to the Karankawa Indians, a fierce tribe, whose hand was against every man. They lived mostly on fish and alligators, with a man for fête days when they could catch one. They were the most savage looking human beings I ever saw. Many of the bucks were six feet in height, with bows and arrows in proportion. Their ugly faces were rendered

hideous by the alligator grease and dirt with which they were besmeared from head to foot as a defense against mosquitoes. They rowed outside to our vessel in their canoes, but Carlysle warned them to leave their arms on shore, enforcing the argument by the presence of a wicked looking little cannon, which was conspicuously pointed in their direction. The mate and I had made special preparations for their reception, having molded several pints of bullets with which to load the cannon, and we were eager for a chance to turn it loose among them, but they gave us no provocation. It was a dreary place for a lone stranger to land. A few Mexicans came around, but they spoke no English and I understood no Spanish. At length two men, Fulcher and McHenry, who had squatted on land six or eight miles up the river, sighted the schooner and came down in a dugout. They took me in with them and I spent my first night in Texas in their cabin. My first meal on Texas soil was dried venison sopped in honey. After having spent some months in New Orleans, where everything of the known world was obtainable, it looked like rank starvation to me, but I was adaptive. The sea voyage had sharpened my appetite and I was possessed of a strong set of grinders, so I set to and made a meal, but I was not anxious to trespass on their hospitality, so next morning I set out on foot for DeWitt's colony, ten miles further up the Lavaca. Even at that early date there was a controversy between the government and colonists with regard to the meaning of the line of reserve, the government contending that it was ten leagues from the indentation of the gulf and bays and the colonists that it was ten leagues from the outer line of the chain of islands that extend around the coast. Fulcher accompanied me up to the station. The beautiful rose color that tinged my visions of Texas paled with each succeeding step. There were herds of fine, fat deer, and antelope enough to set one wild who had never killed anything bigger than a raccoon, but, to my astonishment and disgust, I could not kill one, though I was accounted a crack marksman; but I found it was one thing to shoot at a mark, the exact distance of which I knew, and another to hit game at an uncertain distance.

The colonists, consisting of a dozen families, were living—if such existence could be called living—huddled together for security against the Karankawas, who, though not openly hostile, were not friendly. The rude long cabins, windowless and floorless, have been so often described as the abode of the pioneer as to require no repetition here; suffice it to say that save as a partial protection against rain and sun they were absolutely devoid of comfort. DeWitt had at first established his headquarters at Gonzales, and the colonists had located their land in that vicinity, but the Indians stole their horses and otherwise annoyed them so much, notwithstanding the soldiers, that they abandoned the colony and moved down on the Lavaca, where they were just simply staying.

The station being in the limits of the reserve, they made no pretense of improving it, not even to the extent of planting corn, one of the first things usually attended to, for the Texan Indians, unlike their eastern brethren, scorned to till the soil, and the few Mexicans scattered through the country did so only to the extent of supplying their own wants; so when the colonists used up the breadstuff they brought with them they had to do without until they raised it. This, however, was no very difficult matter near the coast, where there were vast canebrakes all along the rivers. The soil was rich and loose from the successive crops of cane that had decayed on it. In the fall, when the cane died down, it was burned off clean. The ground was then ready for planting, which was done in a very primitive manner, a sharpened stick being all the implement necessary. With this they made holes in the moist loam and dropped in grains of corn. When the young cane began to grow they went over it with a stick, simply knocking it down; the crop was then laid by. Game was plenty the year round, so there was no need of starving.

Men talked hopefully of the future; children reveled in the novelty of the present; but the women--ah, there was where the situation bore heaviest. As one old lady remarked. Texas was "a heaven for men and dogs, but a hell for women and oxen." They—the women—talked sadly of the old homes and friends left behind, so very far behind it seemed then, of the hardships and bitter privations they were undergoing and the dangers that surrounded them. They had not even the solace of constant employment. The spinning wheel and loom had been left behind. There was, as yet, no use for them—there was nothing to spin. There was no house to keep in order; the meager fare was so simple as to require little time for its preparation. There was no poultry, no dairy, no garden, no books, or papers as nowadays —and, if there had been, many of them could not read—no schools, no churches—nothing to break the dull monotony of their lives, save an occasional wrangle among the children and dogs. The men at least had the excitement of killing game and cutting bee trees.

It was July, and the heat was intense. The only water obtainable was that of the sluggish river, which crept along between low banks thickly set with tall trees, from the branches of which depended long streamers of Spanish moss swarming with mosquitoes and pregnant of malaria. Alligators, gaunt and grim—certainly the most hideous creatures God ever made—lay in wait among the moss and drift for any unwary creature that might come down to drink. Dogs, of which every well regulated family had several, were their special weakness, and many a thirsty canine drank and never thirsted more. This was not perhaps from any partiality for dog meat; on the contrary, when the alligator went foraging under cover of night he evinced a decided preference for human flesh, particularly negroes, and many blood-curdling stories were told of alligators stealing into sleeping camps

and seizing an inmate. One story, in particular, I remember as being told by an eye-witness. A company of emigrants were camped at the mouth of the Brazos waiting for teams to take them up to Austin's colony. One night they were aroused by piercing screams, and rushing to the place from whence they proceeded found a huge alligator making for the river, dragging a 14-year-old negro girl by the arm. He had crawled into a tent, where a number of persons were sleeping, and, whether from accident or choice I cannot say, seized the darky and struck a bee-line for the river, which he would have reached on time with his prey but for his inveterate foes, the aforesaid dogs, who rushed upon him and, though finding no vulnerable point of attack, swarmed around, harassing and delaying his retreat till the men pulled themselves together and came to the rescue, when, seeing the odds decidedly against him, his alligatorship relinquished his prize and sought his own safety in the river. Their bellow was just such a hideous sound as might be expected to issue from the throat of such a hideous creature, and was of itself enough to chase away sleep, unassisted by the tuneful mosquito, whose song, like the opera singer's, has a business ring in it. I had heard the bellowing nightly while in New Orleans, but heard amid the noise and lights of the city there lurked in it no suspicion of the horror it could produce when heard amid the gloom and solitude of the wilderness. Wolves and owls added their voices to the dismal serenade. I had heard them all my life, but I had yet to learn the terrible significance that might attach to the familiar howl and hoot. The whippoorwill's silvery notes filled in the interludes, but they seemed strangely out of tune amid such surroundings.

Newcomers were warmly welcomed and entertained with all the hospitality at the command of the colonists. Sleeping accommodations were limited to mosquito bars, a provision not to be despised, since they were absolutely indispensable to sleep. The bill of fare, though far from epicurean, was an improvement on dried venison and honey, in that the venison was fresh and cooked, and Colonel DeWitt, my host, had bread, though some families were without. Flour was $10 a barrel. Trading vessels came in sometimes, but few people had money to buy anything more than coffee and tobacco, which were considered absolutely indispensable. Money was as scarce as bread. There was no controversy about "sound" money then. Pelts of any kind passed current and constituted the principal medium of exchange.

Children forgot, many of them had never known, what wheaten bread was like. Old Martin Varner used to tell a good story of his little son's first experience with a biscuit. The old man had managed to get together money or pelts enough to buy a barrel of flour. Mrs. Varner made a batch of biscuits, which, considering the resources of the country, were doubtless heavy as lead and hard as wood. When they were done Mrs. Varner set them on the table. The boy looked

at them curiously, helped himself to one and made for the door with it. In a few minutes he came back for another. Doubting the child's ability to eat it so quickly, the old man followed him to see what disposition he made of the second. The ingenious youngster had conceived a novel and not altogether illogical idea of their utility. He had punched holes through the center, inserted an axle and triumphantly displayed a miniature Mexican cart. And I assure you, from my recollection of those pioneer biscuits, they were capable of sustaining a pretty heavy load; shouldn't wonder if that was the first inception of the paper car wheel.

Game was the sole dependence of many families and I fixed up many an old gun that I wouldn't have picked up in the road, knowing that it was all that stood between a family and the gaunt wolf at the door, as well as the Indians. Domestic animals were so scarce that the possession of any considerable number gave notoriety and name to the possessor; thus there were "Cow" Cooper and "Hog" Mitchell. Failing to secure more choice game, there were always mustangs to fall back on. Over on the Brazos lived Jared E. Groce, a planter from South Carolina, who had over 100 slaves, with which force he set to work clearing ground and planting cotton and corn. He hired two men to kill game to feed them on, and the mustangs being the largest and easiest to kill the negroes lived on horse meat till corn came in.

Another type of the old colonists, but one that played a no less important part in the development of the country, was Thomas B. Bell, who lived up on the San Bernard above McNeal's. He came several times to my shop during my stay at McNeal's, and he being an intelligent, well-bred man, I took quite a fancy to him and gladly accepted an invitation to visit him. I found him domiciled in a little pole-cabin in the midst of a small clearing upon which was a crop of corn. His wife, every inch a lady, welcomed me with as much cordiality as if she were mistress of a mansion. There were two young children and they, too, showed in their every manner the effects of gentle training. The whole family were dressed in buckskin, and when supper was announced, we sat on stools around a clapboard table, upon which were arranged wooden platters. Beside each platter lay a fork made of a joint of cane. The knives were of various patterns, ranging from butcher knives to pocketknives. And for cups, we had little wild cymlings, scraped and scoured until they looked as white and clean as earthenware, and the milk with which the cups were filled was as pure and sweet as mortal ever tasted. The repast was of the simplest, but served with as much grace as if it had been a feast, which, indeed, it became, seasoned with the kindly manners and pleasant conversation of those two entertainers. Not a word of apology was uttered during my stay of a day and night, and when I left them I did so with a hearty invitation to repeat my visit. It so happened that I never was at their place again, but was told that

in the course of time the pole cabin gave place to a handsome brick house and that the rude furnishings were replaced by the best the country boasted, but I'll venture to say that the host and hostess still retained their old hospitality unchanged by change of fortune.

They were a social people these old Three Hundred, though no one seems to have noted the evidence of it. There were a number of weddings and other social gatherings during my sojourn in that section, the most notable one perhaps being the marriage of Nicholas McNutt to Miss Cartwright. There was a large number of invited guests both the families occupying prominent social positions. Jesse Cartwright, father of the bride, was a man in comfortable circumstances and himself and family people of good breeding. They were among the very first of Austin's colonists, Cartwright being a member of the first ayuntamiento, or town government, organized in Texas. The bridegroom was a son of the widow McNutt, also among the early arrivals. The family, consisting of mother, two sons and three young daughters, came from Louisiana, where they had been very wealthy, but having suffered reverses they came to Texas to recoup their fortunes. Bred up in luxury, as they evidently had been, it was a rough road to fortune they chose, but they adapted themselves to the situation and made the best of it. Mrs. McNutt had three brothers, the Welches, living on Bayou Rapid, Louisiana, whom I afterwards knew; she also had a sister, Mrs. Dr. Peebles living with her husband in San Felipe. Dr. Wells later married a Miss McNutt, and Porter another. But to get back to the wedding. Miss Mary Allen, daughter of Martin Allen, a very pretty girl and a great belle by the way, was bridesmaid, and John McNutt, brother of the bridegroom was groomsman. There being no priest in the vicinity, Thomas Duke, the "big" alcalde, was summoned from San Felipe. The alcalde tied the nuptial knot in good American style, but the contracting parties had in addition to sign a bond to avail themselves of the priest's services to legalize the marriage at the earliest opportunity.

Among the guests present I remember Mrs. Long and her daughter Ann, Miss Alcorn, daughter of Elijah Alcorn, Miss Mary, daughter of Moses Shipman, Mrs. McNutt and daughters, none of the latter then grown, Captain Martin, Elliot and John Alcorn.

The first and most important number on the program being duly carried out, the next thing in order was the wedding supper, which was the best the market afforded. That being disposed of, the floor was cleared for dancing. It mattered not that the floor was made of puncheons. When young folks danced those days, they danced; they didn't glide around; they "shuffled" and "double shuffled," "wired" and "cut the pigeon's wing," making the splinters fly. There were some of the boys, however, who were not provided with shoes, and moccasins were not adapted to that kind of dancing floor, and moreover they couldn't make noise enough, but their more fortunate

brethren were not at all selfish or disposed to put on airs, so, when they had danced a turn, they generously exchanged foot-gear with the moccasined contingent and gave them the ring, and we just literally kicked every splinter off that floor before morning. The fiddle, manipulated by Jesse Thompson's man Mose, being rather too weak to make itself heard above the din of clattering feet, we had in another fellow with a clevis and pin to strengthen the orchestra, and we had a most enjoyable time.

One other wedding to which I was bidden was that of Dr. Angier and Mrs. Pickett, Mills M. Battle, I think, officiating. The wedding, which took place at Captain Bailey's, was a very quiet affair, no dancing or other amusements being indulged in.

Another dancing party in which I participated was at Martin Varner's, near Columbia. When we were all assembled and ready to begin business it was found that Mose, the only fiddler around, had failed to come to time, so we called in an old darky belonging to Colonel Zeno Philips, who performed on a clevis as an accompaniment to his singing, while another negro scraped on a cotton hoe with a case knife. The favorite chorus was:

O git up gals in de mawnin',
O git up gals in de mawnin',
O git up gals in de mawnin',
Jes at de break ob day,

at the conclusion of which the performer gave an extra blow to the clevis while the dancers responded with a series of dexterous rat-tat-tats with heel and toe.

Ah, those old memories, how they throng around me, bringing up forms and faces long since hidden 'neath the sod. So long ago the events herein narrated occurred that I question if there is now another person living who participated in or even has heard of them.

Other weddings among the Old Three Hundred in that vicinity to which I was not fortunate enough to get an invitation were the daughters of William Moreton of Fort Bend, one of whom married Stephen Richardson, at one time partner with Thomas Davis in a store at San Felipe, and the other, William, son of George Huff, on San Bernard; Samuel Chance and Miss San Pierre, daughter of Joseph San Pierre. They have probably all passed away, but to their descendants, for such I take it there are, I extend the greeting of their father's friend; may they prove worthy of such parentage.

My associations with those worthy people were pleasant, and, had I been content to remain with them, much of the remainder of this book might never have been written. But the spirit of adventure was still the dominating influence and, falling in with a lot of congenial spirits, I forsook the ways of civilization for a time, returning no more to those peaceful shades.

CHAPTER XV

STEPHEN F. AUSTIN

By Eugene C. Barker

[This article, which was published in *The Mississippi Valley Historical Review,* June, 1918, was reprinted in *The Southwestern Historical Quarterly,* XXII, 1–17. It gives a brief account of Austin's problems in settling Texas and affords an insight into his character. For a detailed history of Austin, see Barker, *The Life of Stephen F. Austin* and *The Austin Papers* (4 volumes), published by the Government Printing Office, Washington, and the University of Texas Press, Austin.]

Considering the difficulties of his task, the completeness of his responsibility for its accomplishment, and its far-reaching results, Stephen F. Austin has claims to being the greatest colonial proprietary in American history.

He was born in Wythe County, Virginia, November 3, 1793, moved to Missouri at the age of five, spent four years (1804–1808) at different Connecticut schools and two at Transylvania University, and then, at the age of seventeen, returned to Missouri, with schooling complete, to plunge into his father's complex business, a part of which he took over in 1817. In 1813 he was elected to the territorial legislature of Missouri, and by successive re-elections served until 1819; in 1815 Governor Clark gave him an adjutant's commission in the Missouri militia; in 1818 he became a director in the ill-fated Bank of St. Louis; two years later Governor Miller appointed him judge of the federal circuit of Arkansas; and at the beginning of 1821 he was editing a newspaper at New Orleans. With training and experience of such breadth and versatility and with his intimate knowledge of frontier life, Austin at twenty-eight was well prepared to be the founder and patriarchal ruler of a wilderness commonwealth.

He embarked with his father somewhat dubiously upon the colonization of Texas,[1] and it was partly in obedience to his father's dying

[1] Moses Austin to Stephen F. Austin, May 22, 1821, *Austin Papers,* University of Texas: "I can now go forward with confidence and I hope and pray you will discharge your doubts as to the Enterprise." Austin to Wharton, April 24, 1829, *Austin Papers:* "I myself believed that the probabilities of failure or success were almost equal."

wish that he determined to continue the undertaking alone.[2] But having begun, he spent himself in singular devotion to the healthy growth of Texas and the welfare of the colonists whom his influence brought to the country and for whose prosperity he felt a personal responsibility. In moments of despondency, when particularly harassed by public duties and anxieties, he longed for "a small farm, a moderate independence, and a wife," but for the most part he had no time for thoughts of self. His conception of his task extended farther than the mere planting of a number of families in an uninhabited waste; it was to create there a high-toned, intelligent, prosperous, and happy society.

> Such an enterprise as the one I undertook in settling an uninhabited country [he wrote in 1832] must necessarily pass through three regular gradations. The first step was to overcome the roughness of the wilderness, and may be compared to the labor of the farmer on a piece of ground covered with woods, bushes, and brambles, which must be cut down and cleared away, and the roots grubbed out before it can be cultivated. The second step was to pave the way for civilization and lay the foundation for lasting productive advancement in wealth, morality, and happiness. This step might be compared to the ploughing, harrowing, and sowing the ground after it is cleared. The third and last and most important step is to give proper and healthy direction to public opinion, morality, and education . . . to give tone, character, and consistency to society, which, to continue the simile, is gathering in the harvest and applying it to the promotion of human happiness. In trying to lead the colony through these gradations my task has been one of continued hard labor. I have been clearing away brambles, laying foundations, sowing the seed. The genial influences of cultivated society will be like the sun shedding light, fragrance, and beauty.

Ten years of retrospect no doubt helped him to formulate this statement of his purpose, but it is perfectly clear that his aim was in mind from the beginning. To another correspondent he wrote:

> My ambition has been to succeed in redeeming Texas from its wilderness state by means of the plough alone, in spreading over it North American population, enterprise and intelligence, in doing this I hoped to make the fortunes of thousands and my own amongst the rest. . . . I think I derived more satisfaction from the view of flourishing farms springing up in this wilderness than military or political chieftains do from the retrospect of their victorious campaigns. My object is to build up, for the present as well as for future generations. . . . I deemed the object laudible and honorable and worthy the attention of honorable men.

In some ways the time was ripe for his undertaking in 1821. The westward movement had crossed the Mississippi and reached the borders of Texas, and the panic of 1819 and the reorganization

[2] Mary Austin (mother of Stephen) to Stephen F. Austin, June 8, 1821, *Austin Papers:* "he called me to his bedside and with much distress and difficulty of speech beged me to tell you to take his place and if god in his wisdom thought best to disappoint him in the accomplishment of his wishes and plans formed, he prayed him to extend his goodness to you and enable you to go on with the business in the same way he would have done."

of the land system of the United States in 1820 coöperated to stimulate emigration to lands that combined the attractions of princely abundance, accessibility, fertility, and cheapness that amounted in effect to a free gift. Austin's greatness, therefore, consists not in having overcome difficulties of transportation and communication to induce reluctant colonists to reclaim a distant and inhospitable land, but in the tact with which, on the one hand, he governed his independent western frontiersmen, curbing their intolerance of the "foreigner" and their disgust at his political ineptitude, while, on the other, he won and held the confidence of Mexican statesmen, soothing their fear of the disloyalty of the colonists and the ultimate absorption of Texas by the United States. Austin stated his problem in a very few words in a letter of 1829:

> I had an ignorant, whimsical, selfish and suspicious set of rulers over me to keep good natured, a perplexed, confused colonization law to execute, and an unruly set of North American frontier republicans to controul who felt that they were sovereigns, for they knew that they were beyond the arm of the Govt. or of law, unless it pleased them to be controuled.

Fortunately, though it seemed to him ruinously unfortunate at the time, the revolution and the political upheaval incident to the establishment of Mexican independence carried Austin to Mexico in the spring of 1822, after many of his colonists had already arrived, and kept him there for a year securing confirmation of his grant, which had been made by the Spanish régime. There, during the brief space of eleven months, he saw the executive government go through the stages of a regency, an empire, and a military triumvirate. Iturbide elevating himself to the imperial throne by Napoleonic methods and being himself overthrown by Santa Anna posing as a liberal—while the legislature traveled through a provisional *junta gubernativa*, a sovereign elected congress, a rump (the *junta nacional instituyente*), and back again, after the fall of Iturbide, to the congress. With little money, and reduced at last to the extremity of selling his watch, Austin possessed his soul in such patience as he could and gently nagged a national colonization law through Iturbide's rump parliament, only to have it annulled by the return of the legitimate congress and its sweeping decree repealing all acts of the empire. He had won his case, however, and congress instructed the executive to confirm his contract in the terms of the imperial law. Incidentally he had learned the language, gained the confidence and esteem of such men as Anastacio Bustamante, Lorenzo de Zavala, Ramos Arispe, and Lucas Alaman, and obtained an insight into Mexican personal and official character that was the key to his future success. For a foreigner he had exercised a remarkable influence upon the shifting committees of the various legislative bodies. He was largely responsible for the passage of the colonization law, tried his hand at drafting

an imperial constitution which combined some of the features of the Constitution of the United States with the Spanish constitution of 1812, and, on his departure, left with Ramos Arispe a document which probably in considerable degree shaped the *acta constitutiva,* the provisional constitution which bridged the transition from empire to federal republic.

Austin returned to Texas with extraordinary powers. The governor had already invested him with general authority to govern the colony until the regular state administration could be extended to it, and now, by decree of the national government, this power was more specifically defined and enlarged. He was supreme judge, save that in capital cases he must submit his decision to the commandant general of the Eastern Interior Provinces before execution; he could issue regulations for the government of the settlements when the national laws did not apply; he was commander of the militia, which it was his duty to keep in efficient state of organization, with the title of lieutenant colonel, and with authority to wage offensive and defensive war on the Indians; he had sole power to admit immigrants to or exclude them from his colony, which covered an area larger than Massachusetts; and, acting with a commissioner appointed by the governor, he could give title to married men for 4,600 acres of land, subject to improvement in two years, and could greatly augment that amount to men with large families, or who established gins, sawmills, or other public conveniences.

Most of this power Austin retained for seven years. The legislature, it is true, was organized in 1824, when Texas was united with Coahuila to the south, but, aside from passing the state colonization law, its attention until 1827 was centered on the formation of the constitution, so that there was very little legislation for Texas. A local ayuntamiento or municipal government was established in 1828, but for several years this took little of the burden of administration from Austin, because, though he steadily refused to accept office in the ayuntamiento, the members of that body looked to him for guidance and both state and federal authorities showed a disposition to hold him responsible for the smooth working of the local government, while of the land system he retained direction throughout the colonial period. From inclination as well as from necessity, he followed democratic methods of administration, dividing the colony into districts and allowing the inhabitants to elect alcaldes, or justices of the peace, and militia officers, himself hearing appeals from the former and directing the latter. But in the matter of legislation he acted alone, promulgating, with the approval of the political chief at San Antonio, a brief civil and criminal code which was in operation for five years. In his management of the lands of the colony he followed from the beginning the practice of issuing titles only on official surveys and of recording in permanent form all papers connected with

the title, including the surveyor's plot of the land. The government made no allowance for the expenses of administration, and in the early days taxation was impossible, so that, except for fees of alcaldes and constables, the cost of government fell heavily upon Austin. This was particularly true of his management of the land business, while he was at constant expense also in entertaining travelers and prospectors, sending expresses, giving presents to Indians, and often furnishing munitions and supplies for Indian campaigns.

Anticipating some of these expenses, and wishing also, naturally, compensation for his industry and enterprise, Austin had, before planting a single colonist, arranged, with the knowledge of Governor Martinez, to collect 12½ cents an acre for the land in his grant, assuming himself the cost of surveying land and of issuing and recording titles. He advertised this in plain and unambiguous terms, and the original settlers accepted it gladly, because elsewhere in Texas they had no right to settle or acquire land at all. The imperial colonization law of 1823, in accordance with whose terms, after its repeal, Austin's grant was confirmed, greatly enlarged the headrights which he had planned to allow settlers and provided that he himself should receive as compensation for his labors some 65,000 acres for each two hundred families that he introduced. Whether this was intended to annul the 12½ cent agreement is open to question. Austin thought not, and so explained on his return from Mexico in the summer of 1823. Where each settler could have 4,600 acres for the asking, the empresario's 65,000 acres were not likely to yield much ready money for current expenses. Nevertheless, some of the colonists now objected to the payment and carried their complaint to the political chief, who had replaced the governor at San Antonio, and he ruled against Austin's right to charge for the lands. Instead, he fixed a scale of fees for the surveyor, the land commissioner, and the state, which Austin thought had no warrant in law. He contented himself, however, with making a straightforward defense of his reasons for charging the fee, pointing out the risks, hardships, sacrifices, and expenses he had suffered, and asking plainly if he had not given in labor and responsibility the equivalent of the 12½ cents an acre which the colonists had agreed to pay him, or whether they could or would have obtained anything, except through his exertions. Many considered themselves in equity bound by their contracts, one declaring that no candid man in the colony denied the obligation, but Austin relinquished them all and made an arrangement with Bastrop for a division of the fee which the political chief had prescribed for the latter as commissioner. It yielded much less than his contracts with the colonists would have done, but it avoided friction between them and the political chief. The colonization law which the legislature passed in 1825 recognized the justice of Austin's position and

authorized empresarios to collect a fee from their settlers in addition to the generous premium of land allowed by the state.

A few of the colonists were already grumbling because they saw Austin granting three, four, and five leagues to some while he allowed them only a paltry 4,600 acres. They were ignorant of Spanish and knew nothing of his powers except what he or his secretary and the commissioner Bastrop told them. Might he not be impossing upon them and exploiting them for his own advantage? Had he any authority either to grant land or govern the colony? The political chief's interference in the matter of the fees helped to strengthen their suspicion, and uneasy whispers increased to a respectable rumble of discontent. The political chief assured them that Austin's authority was ample in every respect, but the excitement subsided slowly and did not disappear until Austin convinced the leaders of his power by arresting them and threatening to send them to San Antonio for trial. The threat and a heart to heart talk were sufficient, and they soon became his staunch supporters. Austin ascribed much of his trouble to the colonists' ignorance of the language, their exercise of the sacred American right to abuse a public official, and the absence of definite laws.

> You know [he wrote in 1825] that it is innate in an American to suspect and abuse a public officer whether he deserves it or not. I have a mixed multitude to deal with, collected from all quarters, strangers to each other, to me, and to the laws and language of the country. They came here with all the ideas of Americans and expect to see and understand the laws they are governed by, . . . Could I have shown them a law defining positively the quantity of land they were to get and no more and a code of laws by which they were to be governed I should have had no difficulty—but they saw at once that my powers were discretionary, and that a very great augmentation to their grants could be made, and thus the colonization law itself and the authority vested in me under that law holds me up as a public mark to be shot at. . . .

With the readiness of the colonists to "growl" and "grumble" and "mutter," "without knowing why, or without being able to explain why," he was not, however, disposed to quarrel.

> It arose [he said] from a principle which is common to all North Americans, a feeling which is the natural offspring of the unbounded republican liberty enjoyed by all classes in the United States; . . . jealousy of those in office, jealousy of undue encroachments on personal rights, and a general repugnance to everything that wore the semblance of a stretch of power.

Another duty that brought Austin some enemies and much annoyance was that of keeping criminals and men of bad character out of the colony. He required certificates of character from all who obtained land, and though, in the nature of things, these certificates could be hardly more than formal statements of "parties unknown," he made remarkably few mistakes. He banished several from the colony in 1823 and 1824 under threat of severe corporal punishment,

and in one case applied the lash. Some of the exiles took refuge in the neighboring colony of the Mexican empresario De León and avenged themselves by making false reports about Austin to the government, and others settled in the no man's land on the borders of Louisiana and Arkansas and deterred honest emigrants from proceeding to Texas by tales of violence and anarchy. To an inquirer alarmed by such stories in 1829 Austin wrote, "in proportion to our numbers, we are as enlightened, as moral, as good, and as 'law-abiding' men, as can be found in any part of the United States, and greatly more so than ever settled a frontier"—an opinion whose substantial accuracy the historian must confirm. For, besides the supervision of immigrants which good policy as well as law required, the great majority, especially of the earlier colonists, were men of family, seeking homes, not speculators or adventurers. The state colonization law of 1825 put a premium on marriage by allowing married men four times as much land as unmarried men, while Austin had previously required ten single men to unite into a "family" to obtain a league, the headright of a married man.

It would be impossible to exaggerate Austin's labors in the early years of the colony. A letter to the political chief in 1826 gives a clue to their character and variety. He had left San Felipe on April 4 to point out some land recently conceded to one of the state officials and had been detained by excessive rains and swollen streams until the 29th. On May 1 he had begun the trial of an important case that had lasted seven days; at the same time he had had to entertain a delegation of the Tonkaway Indians, and make preparations for a campaign against another tribe; to talk to and answer questions of many "foreigners," who had come to look at the country, explaining and translating the federal constitution and some of the laws for them; to receive and pass upon applications for land, hear reports and issue instructions to surveyors; and to correspond with superior civil and military officers. This, the 8th, his first free day since returning, was mail day, and he had received two communications and dispatched five. Too much of his time, he once complained, was consumed in settling "neighborhood disputes about cows and calves," but it was the patience with which he devoted himself to the minutiæ of the colony as well as his intelligence and ability in more important things that accounts for his success. During these years he gathered by painstaking surveys and personal observations data for a map of Texas, published by Tanner in 1829; charted Galveston Bay and the several harbors and navigable rivers of the state; promoted trade with the United States and kept a stream of immigrants flowing into the colony; encouraged the erection of gins and sawmills and the establishment of schools; and exercised throughout a most remarkable influence over the legislature at Saltillo in matters affecting the interest of the colony. To mention but a few instances of this, he was

responsible in considerable degree for the liberal terms of the colonization law, his arguments prevented the constitutional abolition of slavery in 1827 and secured the labor law of the next year permitting the continued introduction of slaves in the form of indented servants, and in 1829 his desire to protect the colonists against suit for debts contracted before coming to the country found expression in what we should now consider a sweeping homestead law. He himself was a member of the legislature in 1831–1832, and was re-elected in 1834 but was prevented from serving by his detention in Mexico.

Burdened as he was with the affairs of his own colony, he found time to answer the calls of others. He repeatedly exerted himself to obtain titles for families who had drifted in and settled on the eastern border of the province before the passage of the colonization law; and he was always ready to give other empresarios the benefit of his knowledge and experience. DeWitt was deeply indebted to him for such success as he enjoyed, Burnet drew heavily upon him, and Edwards received advice that ought to have saved him from the folly of the Fredonian rebellion. He perceived very clearly the mutual interest of all in the peaceful and rapid development of Texas, and, with the field so vast and the laborers so few, he welcomed every additional effort in the promotion of that end. Some of his fellow-empresarios, however, without his vision and interest in the permanent growth of the country, doubted his sincerity and blamed him for embarrassments and failures due to their own impatience, greed, and unwillingness to adapt themselves to Mexican racial characteristics and sensibilities. What was needed in Texas he said was

> *men,* . . . not open mouthed politicians, nor selfish visionary speculators, nor jealous ambitious declamitory demagogues who will irritate the public mind by inflamitory criticisms about temporary evils and by indulging in vague surmises. We need men of enlightened judgement, disinterested prudence, and reflection, with a great stock of patience, unshaken perseverance and integrity of purpose. Men who will calmly put their shoulders to the wheel and toil for the good of others as well as for their own, and who will be contented to rise with the country without [trying] to force it forward prematurely to overtop the genl. level of prosperity by undue individual advancement. A band of *such* men firmly linked together by the bonds of mutual confidence and unity of purpose and action could and would make Texas the garden of North America.

He did not, of course, as we have seen, escape misconstruction by his own colonists, but this he philosophically recognized as inevitable, and even necessary, in a way to the success of the colony.

> To have been universally popular amongst the settlers for the first two or three years [he said] would have endangered all, for it would have excited vague jealousies in the [fear?] alone that I was conciliating popular favor in order to wield it in a particular way. To have been universally unpopular endangered all in another way, for it would have totally destroyed that degree of popular confidence and character abroad which was necessary to draw emi-

gration and it would also have deprived me of the power of controuling the settlers sufficiently to have prevented them from destroying themselves. . . . The reflecting and worthy part of the settlers have always adhered to me firmly throughout. [The other class] abused me over their grog and at times have had weight enough to require humoring and management to keep within bounds, but they effectually removed all suspicion that I was courting the favor of a rabble for the purpose of wielding it, and in this way they did me and the colony a service, though without knowing or intending it, and I used their abuse of me to advance the public good and establish myself more firmly in the confidence of my rulers.

He was conservative in declaring that the "reflecting and worthy part of the settlers" adhered to him, and they were always a vast majority. They brought him their personal troubles and perplexities, and surrendered completely to his guidance in every crisis through which the colony passed. This was true in 1826, when he led them against Edwards's rebellious "frontier republicans" at Nacogdoches; in 1829, when he obtained the exemption of Texas from President Guerrero's emancipation decree; in 1830, when he reconciled them to the federal decree limiting immigration from the United States, while taking steps to secure its suspension; in 1832, when, after the expulsion of Bustamante's garrisons from Texas during his absence, he convinced Colonel Mexia of their loyalty to the liberal party of Santa Anna; in 1833, when they petitioned for the separation of Texas and Coahuila and sent him to Mexico to urge its approval; and, finally, in 1835, when they resisted Santa Anna's encroachments on republican government, for without his advice and organizing influence very few would have been ready then to take up arms. The revolution once begun, he was called to the command of the army, much as Washington went to Cambridge, to quiet the claims of rival aspirants, and when order was established and the campaign under way they sent him to the United States to find money and munitions to maintain it.

His control of the settlers in every essential movement as they increased from a few hundred in 1821 to many thousands in 1835 proves him a great leader. The confidence of Mexican officials, despite their innate fear of Anglo-American expansion, which was constantly stimulated by the efforts of the United States to acquire Texas, proves him a diplomat of no mean ability. With both, his success was due to his absolute honesty and fearless candor.

His one purpose was the advancement of Texas. "I feel," he said only a few months before his death, "a more lively interest for its welfare than can be expressed—one that is greatly superior to all pecuniary or personal views of any kind. The prosperity of Texas has been the object of my labors, the idol of my existence—it has assumed the character of a *religion* for the guidance of my thoughts and actions for fifteen years." He sincerely believed until the beginning of 1836 that the best interest of Texas lay in its loyalty to Mexico, that the colonists and the government had, therefore, a com-

mon interest in its development, and he was the efficient apostle of that faith. He felt some fear of the outcome of republican government in Mexico, he knew that the people were not fitted for it, but hoped they might stumble along until education and experience prepared them for it. At the same time, as a prudent man would in his position, he sometimes contemplated a condition of anarchy or oppression that would render continued loyalty impossible. In such a contingency, though he shrank from it, he favored independence; never, until shortly before his death, annexation to the United States.

> As an "independent speck in the galaxy of nations" [he wrote in 1829] Europe will gladly receive our cotton and sugar, etc., on advantageous terms in exchange for "untariffed" manufactured articles. We should be too contemptible to excite the jealousy of the Northern Mammoth, and policy and interest would induce Europe to let us alone. I deem it more than probable that the great powers would all unite in guaranteeing the Independence of little Texas. There are many powerful reasons why it should be to their interest to do it.

On his attitude toward annexation there is an abundance of material from 1830 to 1835, and there can be no doubt of his sincerity. This conclusion does not rest alone on an interpretation of Austin's own statements, for in 1834 Anthony Butler attributed to him his failure to buy Texas. Two reasons for opposing annexation Austin gives, the land system of the United States and slavery.

> If that Govt. should get hold of us and introduce its *land* system, thousands who are now on the move and who have not yet secured their titles would be totally ruined. The greatest misfortune that could befall Texas at this moment would be a sudden change by which any of the emigrants would be thrown upon the liberality of the Congress of the United States of the North.

This he wrote to his brother-in-law in 1830. A few months later he wrote that he should "oppose a union with the United States without some *guarantees,* amongst them I should insist on the perpetual exclusion of slavery from this country." No doubt the tariff figured in his consideration, and it is evident, too, that he believed that a strong population in Texas would ultimately wield such an influence with the government as to be freer under Mexico than under the United States.

Austin's views on slavery, despite the quotation just read, and a number of other expressions equally unequivocal, require explanation. He successfully opposed constitutional emancipation in 1827, urged in vain at the same time that immigrants be permitted to continue bringing slaves from the United States, obtained the withdrawal of Guerrero's emancipation decree in 1829, and declared in 1835 that Texas must be a slave state. The contradiction is more apparent than real, but when all is said some inconsistency remains. The truth seems to be that he did deplore slavery, but that he recognized its economic necessity in the development of Texas. Most of his colo-

nists were naturally to be expected from the neighboring slaves states, but slave owners would not come if forbidden to bring their slaves, and others who did come would be greatly hampered by the lack of free labor. About the time of this letter he seems to have felt that a satisfactory compromise might be reached by the labor law of 1828, which, in effect, established the peonage system of Mexico. He wrote in 1831:

> Negroes can be brought here under indentures, as servants, but *not as slaves.* This question of slavery is a difficult one to get on with. It will ultimately be admitted, or the free negroes will be formed by law into a separate and distinct class—*the laboring class.* Color forms a line of demarkation between them and the whites. The law must assign their station, fix their rights and their disabilities and obligations—something between slavery and freedom, but neither the one nor the other. Either this or slavery in full must take place. Which is best? Quien sabe? It is a difficult and dark question.

In 1832 the labor law was modified, limiting contracts thereafter to ten years, hence, perhaps, his declaration for slavery in 1835. His defense of existing slavery in 1826–1827, it should be added, was based on what he considered guaranteed vested right, his original contract with the Spanish government, under which his first families were introduced, having recognized slavery by augmenting a settler's headright in proportion to the number of slaves he owned.

I have tried to present in this short paper something of the personality of Austin as he revealed himself in his work. He was a grave, gentle, kindly man, charitable, tolerant, affectionate and loyal, naturally impulsive but restrained by habit, sensitive, lonely, and given too much, perhaps, to introspection. He enjoyed social companionship, but his position set him apart from the colonists and made close friendships with them difficult and rare. He smoked, danced now and then, loved music (he played the flute in his younger days), and his bills show occasional charges for whiskey, brandy, and wine. He was well educated, widely read for his opportunities, and a clear thinker. His letters in their straightforward precision and naturalness remind one of Franklin. He worked incessantly, unselfishly, and generally most patiently. In short, he appears to me a lovable human character, with many charming qualities.

On returning from his mission to the United States in the summer of 1836 he was persuaded to be a candidate for the presidency. He consented with indifference and took his defeat by Houston with equanimity. He had been absent from the country for the better part of three years on public business, part of the time in a Mexican prison; his personal affairs were greatly neglected, and he welcomed the prospect of leisure to put them in order. However, when his victorious rival asked him to be secretary of state, he consented, in the belief that he could be useful in bringing the infant republic to the favorable notice of older governments. As usual, he immersed

himself in public duties to the utter neglect of self, and died from overwork and exposure on December 27, 1836. For fifteen years he had held the destiny of Texas in the hollow of his hand, and characteristically his last conscious thought was of its welfare. He waked from a dream thinking that the United States had recognized its independence, and died in that belief. His death, thus, at the age of only forty-three, on the eve of the fruition of all his labors, with the country redeemed from the wilderness and others assuming the burden of responsibility that had deprived him of home, wife, and family, was one of fate's grim ironies—a distressing personal tragedy.

CHAPTER XVI

THE DEVELOPMENT OF THE TEXAS REVOLUTION

By Eugene C. Barker

[This chapter, somewhat abbreviated, is from the writer's *Mexico and Texas, 1821–1835.* (P. L. Turner Company, Dallas.) It traces in brief the development of the Texas Revolution from 1830 to the battle of Gonzales. For a more comprehensive treatment of the causes of the revolution, see the volume from which this chapter is taken and some of the references given below.

Read: Garrison, *Texas,* Chapter XVI; Barker, Potts, and Ramsdell, *A School History of Texas,* Chapter VI; Barker, *The Life of Stephen F. Austin,* Chapters X, XII–XVI; Howren, "Causes and Origin of the Decree of April 6, 1830," in *The Southwestern Historical Quarterly,* XVI, 378–422; Rowe, "The Disturbances at Anahuac in 1832," in *Quarterly* of the Texas State Historical Association, VI, 265–299; Turner, "The Mejia Expedition," in the same, VII, 1–28; Barker, "The Journal of the Permanent Council," in the same, VII, 250–278; Rather, Translation of Austin's "Explanation to the Public concerning the affairs of Texas," in the same, VIII, 232–258; and much correspondence in Bar[illegible]*e Austin Papers,* II, III. Volume II is published by the Govern[illegible]ng Office (1928) as *Report* of the American Historical Associat[illegible]2, Volume II. Volume III is published by the University of Texas Pr[illegible])].

The Law of April 6, 1830.—The Law of April 6, 1830, was a turning point in the relations of the colonists and the government. On the one side, its passage marked the culmination of the government's slowly crystallizing conviction that the policy of allowing unrestricted immigration from the United States was a dangerous error. On the other side, in spite of Austin's efforts to persuade the colonists that there was much good in the law, I am convinced that it gave the first serious shock to Austin's confidence in the good will of the government and in the possibility of bringing Texas to a satisfactory state of development under Mexican domination.

Just a year before the passage of the law Austin wrote William H. Wharton that immigrants from the United States would find it "to their interests to be inhabitants of Texas as Mexican citizens. The policy of this govt to emigrants," he continued, "is liberal beyond parallel. An immense coasting trade is open round the Gulf of Mexico and to the West Indies, and Europe will turn with joy and avidity from the 'tariffed cotton' of the U. S. to the fine long staple of Texas." The need of Texas, he said, was men. "A band of *such* men [as he described] firmly linked together by the bonds

of mutual confidence and unity of purpose and action could and would make Texas the garden of North America." The day after Austin received a copy of the law he wrote General Teran that he looked upon it as the beginning of all the evils with which the imagination could afflict Texas. "My objects in coming to Texas," he went on, "were sound and pure, most pure. I have labored in good faith. It has been the idol of my ambition to wrest this country from the wilderness and to add by that means to the prosperity, the wealth, and the moral and physical resources of the republic which I have adopted for my country. My motto has been fidelity and gratitude to Mexico. It has been the motto of all my colony. Now it seems that our loyalty and our labors are about to receive a reward from the national government and that our reward is to be destruction."

Austin's attitude was important. Until 1828, when constitutional government was inaugurated, he controlled the local government and shaped public opinion in Texas. Thereafter he was the popular balance-wheel, not always able to effect what he wanted but usually able to defeat any movement that he strongly disapproved. His hope revived when Teran accepted the strained construction of the law that permitted colonists to settle under his own and DeWitt's contracts; he continued the practice of minimizing the annoyances and exalting the benefits of Mexican policy; but there are many indications that he never again felt himself on sure ground. There was a question in his mind—how long could Texas endure the chronic instability and caprice of the Mexican government? How long ought it to endure them? Austin's dearest hope after 1828, I think—his most permanent aim—was to prevent a premature insurrection and to hold the situation in check until Texas could grow strong enough to take care of itself; for it is clear beyond doubt that he did not at that time favor annexation to the United States.

The immediate menace of the law to the peace of the colonists lay in the measures taken to enforce it. During the summer of 1830, as we have already seen, General Teran encircled the settlements with a ring of garrisons. To the strong posts at San Antonio and Nacogdoches he added considerable establishments at the head of Galveston Bay, at the mouth of the Brazos, at the Brazos crossing of the Bexar-Nacogdoches road, on the Lavaca, and on the Nueces. The object of these military establishments was to prevent violation of the law through the entrance of unauthorized immigration from the United States, to prevent smuggling through Texas ports to the interior Mexican states, and to begin Teran's policy of military colonization. The mere presence of the troops would have been a source of exasperation to the colonists, who could not forget that in the years of their weakness, when a few resident companies would have been welcome, they were compelled to bear the brunt of Indian fighting

without assistance. Now that they had the Indians under measurable control and were growing strong, they could view the new garrisons only as instruments of potential interference with their local interests and of their own subjection to the central government.

Teran was quite aware of the sensitive elements in the situation and tried to impress upon his commanders the great need of caution in all their proceedings. They were to maintain rigid discipline; were to cultivate cordial relations with the settlers, particularly by buying necessary supplies from them; and were to coöperate punctiliously with local civil officers in all matters which might be regarded as touching the civil jurisdiction. One is tempted to speculate upon what might have happened had all Teran's commanders been Mexicans, because the Mexican officers in Texas seem to have been uniformly men of discretion, and with the possible exception of Colonel Piedras, at Nacogdoches, the colonists respected and liked them. Unfortunately the garrison at Anahuac, on Galveston Bay, was commanded by an American, Colonel John Davis Bradburn. Perhaps because he was an American, dealing with his fellow-countrymen, Bradburn was less tactful than the Mexican officers. Perhaps trouble would have developed at Anahuac anyway, for in some ways the situation was more difficult in East Texas than elsewhere. Whatever might be the truth as to these matters of speculation, the evidence indicates that Bradburn [illegible]ffed up with his own authority and that his disposition [illegible]cratic and domineering.

Trouble at Anahuac.—Trouble began to develop in February, 1831, when Francisco Madero, a special land commissioner, arrived on the lower Trinity River with instructions from the governor to issue land titles to the scattered settlers in that region and to those farther east between Nacogdoches and the Sabine. Most of these settlers had drifted into the country at different times since 1821 and had "squatted" in the border and coast reserves, outside the limits of any empresario grant. To get titles in these areas it was necessary for them to have the approval of both the state and general governments. Such approval was obtained in 1828, but various interruptions had occurred and the settlers, some of whom had made valuable improvements, were still without titles. It is easy to picture in our minds the relief and satisfaction with which these precarious occupants hailed Madero's arrival. All that they possessed in the world was at stake. It is easier still to imagine their chagrin and disappointment when Bradburn arrested Madero and his surveyor on the ground that the issuance of titles to these settlers would be a violation of the Law of April 6, 1830. Madero protested that both federal and state governments had approved the petitions of these settlers for land and that it was not his intention to issue titles to any who had come in since the passage of the fatal law, if any such there were, but Bradburn remained obdurate and Madero must perforce yield.

In the meantime, Austin, foreseeing the clash between Bradburn and Madero from afar, was warning his settlers not to allow their sympathies to involve them in the conflict. "Those are matters between the interested parties and the Govt. with which my colony ought to have nothing to do in any shape, manner, or form. My colony has cleared away the rude asperities of the wilderness—made Texas known—given it a station in geography—a plan, and a distinguished one in the class of *desirable countries,* and has demonstrated its value by developing its resources. In doing this, it has done enough to aid others who now wish to settle in the country. . . . Be mere lookers on—say nothing—give no opinions—no advice —take no part—have nothing to do with the matter at all." "That colony," he explained, "is the heart of Texas; keep all sound there, and we shall gain the confidence of the Govt. and save the country." At the same time he tried to calm the disappointed settlers in East Texas. Another day would come; they could not better the situation by violence and rebellion. "What the people on the Trinity ought to say," he advised, "is that they cannot and ought not to take any part in any quarrel between any two officers or authorities, unless officially called on to do so by the competent superior authorities. If they take sides, they will in the end be kicked by both sides as a person who inter-meddles in a quarrel between man and wife."

Bradburn increased his own unpopularity by [redacted] with various inhabitants of the district and by annulling [redacted]yuntamiento set up by Madero at Liberty, but for a short [redacted]rd the end of 1831, attention was diverted from him by t[redacted] of the tariff collector, newly arrived in Texas.

Mexico's tariff administration during the period of this study is an abstruse and intricate subject. The same may be said of its whole fiscal system. The facts as to tariff administration in Texas, so far as I know them, can be briefly stated. The first, and for many years the only, legal port in Texas was that of San Bernard, established by royal decree in 1805. The king's proclamation was reaffirmed by the Spanish Cortes in 1820; but there was no custom house at the mouth of the San Bernard, there were no port officers, and really no fixed point of entry. Ships having business in Texas after the beginning of Anglo-American colonization used any convenient shore for landing and taking on goods. In February, 1825, Austin petitioned for the legalization of the port of Galveston, which he described as the best harbor on the Texas coast and as affording convenient access to the settlements on the Colorado, Brazos, and San Jacinto. About a year later Austin acknowledged a letter notifying him that the government had established the port of Galveston provisionally. What was meant by "provisionally" is not explained. In the meantime, Austin had become convinced that the mouth of the Brazos was a more suitable site for a custom house than the rela-

tively inaccessible Galveston Island, without timber and with insufficient water; but although he repeatedly begged for the legalization of the Brazos, no attention was given to his petition.

A federal act of September 29, 1823, exempted the colonists from the payment of duties for seven years, and, in spite of the need of port officers to issue clearances and perform other routine functions, the government made no move to establish customs officials in Texas until near the expiration of the term of exemption. The exemption would expire in September, 1830. In May of that year an interesting adventurer who called himself George Fisher appeared in Texas as collector of the port of Galveston. As there was neither a custom house nor other improvement on the island, Fisher announced that he would establish his office temporarily at the mouth of the Brazos. Since the Texans were as yet still exempt from paying duty on goods, for their own consumption, Fisher's task would be confined to collecting tonnage dues on vessels entering his jurisdiction, to issuing clearances, and to preventing the introduction of goods intended for trading with the inhabitants of the interior states who did not enjoy the privilege previously accorded the colonists of using duty-free goods.

Fisher was a busy-body, and showed every disposition to exalt his office, but General Teran temporarily suspended the order for the establishment of the custom house before he had time to do more than make a few preliminary flourishes of his authority. The ayuntamiento of San Felipe unhappily seized the opportunity to obtain a secretary who wrote English and Spanish with the same voluble fluency in a firm, beautiful hand and employed Fisher. A few months later the ayuntamiento dismissed him for abstracting documents from the archives for the purpose, it was believed, of involving the Texans in the party politics that were rending Mexico. The incident is important because it infuriated Fisher and lost him the respect of the Texans. As a consequence, when he returned to his duties as tariff administrator a year later and issued certain arbitrary and oppressive regulations, the colonists suspected him of venting personal spleen and were less submissive than they probably otherwise would have been.

Fisher returned to Texas in November, 1831. During his absence Bradburn had established the military post at Anahuac, and there Fisher took up his quarters. Though we have no copy of Fisher's objectionable regulations, it is evident from other documents that he required shipmasters who entered the Brazos and other unlegalized ports to obtain clearances from him at Anahuac before sailing. Compliance with the order by captains in the Brazos would have entailed much delay and a tiresome trip by land of more than a hundred miles, to Anahuac and back. They determined not to comply. At the end of December, 1831, two vessels sailed from the Brazos, despite the

efforts of a small guard at Brazoria to detain them. One of the soldiers was wounded. Evidently a considerable proportion of the population of Brazoria participated in the excitement, some of which appears to have been due to the interested efforts of men engaged in the business of importing goods illegally for trade with the interior. Austin happened to be there. He regarded Fisher's order as utterly impracticable, and in the hope of preventing a clash, advised the guard to let the ships go—an act which seemed to identify him with the rioters and one which gave him some embarrassment in a subsequent correspondence with General Teran.

Though justly angry at the attack on the guard, Teran's decision was moderate and fair. He gave orders that the tonnage dues on the delinquent vessels must be paid by the owners of the goods that the vessels had landed. If the same ships again entered a Texas port with the same crews and the same registry, they were to be detained until they surrendered for trial those implicated in wounding the soldier. He had intended to have a branch of the Galveston, or Anahuac, custom house at Brazoria, and but for contrary winds the deputy for the Brazoria office would have arrived before the riot. Teran wrote Fisher that his order was very imprudent and ill-judged. "I have always believed," he said, "that administration must be reasonable, and that those only should go to Anahuac who would be equally inconvenienced by going to Brazoria. . . . Your imprudence will cause us much trouble." A few months later, at Fisher's request, Teran relieved Fisher from duty and turned over the administration of the custom house to Francisco Duclor, the deputy at Brazoria.

The general attitude of the Texans toward the tariff may be inferred from a petition which the ayuntamiento of San Felipe adopted in February, 1832, asking for a renewal of their former exemption for an additional five years. The commodities for which the petitioners begged admission duty-free formed an impressive and comprehensive list—"all food stuffs; iron and steel; machinery; agricultural implements; tools, hardware; ironware; nails; wagons and carts; cotton bagging and packing rope; coarse, ready-made clothing, shoes, and hats for the laboring and agricultural classes; general household and kitchen furniture introduced by incoming immigrants or for the use of the colonists; chewing tobacco in small quantities until the government is prepared to sell tobacco from the public store; lead, powder, and ammunition for the use of the local inhabitants; medicine; books, paper, and stationery." "These articles," it was explained, "are too bulky to smuggle into the interior and no general injury can be done the treasury by granting the petition for exemption." The petition was repeated in substance by the conventions of 1832 and 1833 and the subject was urged by Austin during his mission to Mexico as agent of the second convention, but without effect. In the meantime, Duclor abandoned his office in September, 1832, saying that it was impossible

for him to collect duties. Thereafter, until the spring of 1835, the tariff administration in Texas is shrouded in darkness. During the interval there may have been some collection of tonnage dues by local civil officers, but, if so, such collections were intermittent and capricious.

The attack on Anahuac.—We must return now to Bradburn. From the mass of contemporary material touching Bradburn's imprudences certain charges stand out: (1) He pressed supplies for his garrison, and used slave labor, without compensating the owners, in erecting military buildings; (2) he encouraged a spirit of revolt among the slaves by telling them that it was the intent of the law to make them free; (3) he harbored two runaway slaves from Louisiana, enlisted them in his detachment, and refused to surrender them to the owner, who demanded them; (4) he arrested several of the colonists on various pretexts and held them in the guard house for military trial.

It was the arrests which brought the storm upon Bradburn. Patrick C. Jack organized a military company, and was arrested on some pretext that is not clear. Bradburn no doubt believed that the organization was a potential menace to himself and his garrison. William B. Travis undertook, as an attorney, to recover the two Louisiana slaves, and found himself in the guard house with Jack. Other arrests followed—in one instance, apparently, because the victim played a practical joke on Bradburn.

The detention of Travis and Jack seems to have been long and aggravated. Both were prominent and popular, and on June 4 a force started from Brazoria to release them. On the way to Anahuac it grew to a hundred and sixty men and many others among the settlers of East Texas were ready to join them. After some skirmishing, Bradburn agreed to release the prisoners, and the attackers withdrew to a camp some distance from Anahuac to await them. Thereupon Bradburn strengthened his position and defied the insurgents. Thinking it unwise to attack again without artillery, they sent to Brazoria for two cannon, and while waiting for them adopted a declaration that they were not rebelling against Mexico, but were simply coöperating with Santa Anna in the Liberal revolt that he was leading at the time against Bustamante. A few days after they adopted this declaration, known as the Turtle Bayou Resolutions, Colonel Piedras moved from Nacogdoches with a considerable force and began negotiations with them. The conferences resulted in Piedras's agreeing to have the prisoners released to the civil authorities for trial, to pay for the private property that Bradburn had appropriated, and to endeavor to have Bradburn removed from his command. The third, and most important, section of the agreement he tactfully carried out by inducing Bradburn to ask to be relieved. A few days afterwards the garrison at Anahuac declared for Santa

Anna, under the inspiration of a visiting Colonel Subáran, and sailed away to join the Liberal army.

The Battle of Velasco.—In the meantime, a sharp battle had been fought at the mouth of the Brazos, where Colonel Ugartechea attempted to prevent the departure of the vessel carrying the cannon to the insurgents at Anahuac. Both the Mexicans and the colonists suffered severely before the exhaustion of Ugartechea's ammunition compelled him to surrender and agree to withdraw his soldiers from Texas.

Efforts to restore peace.—Austin was absent when these troubles developed. He had gone to Saltillo in March to serve in the legislature of Coahuila and Texas, and after the adjournment of the legislature he had gone to Tamaulipas to confer with General Teran. Reports of the movements in Texas began to reach him at Matamoras. Following his custom in circumstances of popular disturbance, he dispatched an avalanche of letters, trying on the one side to quiet the colonists, and on the other seeking to convince the authorities that the colonists were not disloyal to Mexico but were simply protesting against unbearable abuses of which the government did not know and for which it was not responsible. In this instance he attributed the situation to Bradburn's imprudence, and all contemporary testimony indicates that his explanation was well within the facts. It was the opinion of Colonel Piedras, who conferred with the insurgents, that the attack on Anahuac was a personal demonstration against Bradburn with no political significance. Ramón Músquiz, the political chief at San Antonio, arrived at the same conclusion after an extensive observation of the settlements. And General Teran's information gave him the same impression. He wrote Austin on June 25, 1832: "I have received notice of a disturbance at Anahuac against Bradburn. . . . Ugartechea seems to be much better received, and I have instructed him to put himself in complete accord with you. The affairs of Texas are understood by none but you and me, and we alone are the only ones who can regulate them; but there is time to do no more than calm the agitations, something which can be readily accomplished because the objects for which they contend are definite and well defined."

A week later one of the only two men who understood the affairs of Texas was dead. Teran, in a desperate fit of depression, fell upon his sword and took his own life; and Austin, the other man who knew his Texas, was soon driven far from his well-tried policy of holding Texas aloof from Mexican party wars. On the first of July he wrote in italics: "The course for the people there to take in the present distracted state of the nation is to declare that they will take no part in the civil war at all—that they will do their duty strictly as Mexican citizens—that they will adhere to Mexico and to the general and state constitutions, and resist any unjust attacks upon either by

any or by all parties no matter who they may be." He knew the wisdom of this advice from ten years of observation and experience.

The Texans declare for Santa Anna in 1832.—The same letter that carried this admonition to the colonists told of the evacuation of Matamoros by government troops under Colonel J. M. Guerra and of the immediate occupation of the city by Colonel José Antonio Mexia with Santa Anna's forces. On July 6 Guerra and Mexia signed an armistice and agreed to unite their forces to suppress the insurgent movement in Texas. Mexia having the superior force, elected to command the expedition to Texas—an evidence of good politics. Both Guerra and Mexia requested Austin to accompany the Texan expedition, and he gladly consented, assuring them at the same time that the movement in Texas was not actuated by disloyalty to Mexico but by personal resentment of the arbitrary conduct of Bradburn.

On July 16 Mexia, with four hundred men, anchored off the mouth of the Brazos in the brig of war *Santa Anna*, and sent in to John Austin, one of the insurgent leaders, the following letter:

> I have the honor to enclose you a copy of the convention entered into between the commandant in chief of Matamoros and myself on the 6th of the present month. This document will inform you of the motives which brought me to Texas, and what would have been my course had the late movements here been directed against the integrity of the national territory. But if, as I have been assured by respectable citizens, the past occurrences were on account of the colonists having adhered to the plan of Vera Cruz, and I am officially informed of that fact in an unequivocal manner, you can in that case assure the inhabitants that I will unite with them to accomplish their wishes, and that the forces under my command will protect their adhesion to said plan.

Certainly this letter was not playing the game fairly with Guerra nor was it calculated to evoke a coldly neutral declaration of loyalty from the Texans. Fortunately the Turtle Bayou Resolutions had declared for Santa Anna and the Plan of Vera Cruz. Now those resolutions were reaffirmed, and Mexia found himself in accord with the movement. Had Guerra instead of Mexia led the expedition to Texas he would have received equally emphatic and less disingenuous assurance that the mass of the colonists stood firm for the government and condemned the attack on Anahuac. The Texans would simply have followed Austin's time-honored policy of aloofness from party wars, standing circumspectly on their claim of adherence to the *de facto* government.

A word of explanation is due concerning Austin's attitude. He probably shaped Mexia's letter to John Austin. He certainly wrote the reply to it. His actions were controlled by expediency alone. If it had been possible to avoid a declaration for Santa Anna, he would have avoided it, but the situation left him no choice. And yet, he believed in Santa Anna's party, though not in Santa Anna, as much as it was possible for him to believe in any Mexican party. He had recently written Teran:

I think that the party that has risen against the ministry is very badly named the party of Santa Anna. As I understand the situation, it ought to be called the *democratic republican federal party*. It seems to have made use of Santa Anna for lack of another leader, and this has given his name to the party, which seems to me to be a misfortune because it gives it a *personal* character when it ought to be named for principles. It appears that this party is very strong and that sooner or later it will embrace the great mass of the nation and triumph as it has done in the north and also in England and France, with a difference in form and men. I do not doubt that in the end it will triumph over all Europe and the Americas. It is the natural order. Water flows down hill; and man rises from a state of nature to civilization and the sciences, from slavery to freedom, advancing as by the steps of a ladder. These are laws of nature, at times retarded and slow in their operation, but certain in their results.

No finer confession of faith in democracy can be imagined. Nor can Austin's sincerity be doubted. He had little confidence in Santa Anna, and did not believe that his party would follow him beyond the overthrow of the existing government. Perhaps the party itself would fail now because it lacked leadership, but the nation would learn by its failures and ultimately a real republic would develop.

Mexia, finding the Texans pacified, loyal, and properly enthusiastic for his chief, sailed away on July 24 to more important duties in Mexico. A week later colonial Santanistas expelled Colonel Piedras and his garrison from Nacogdoches; Colonel Ruiz withdrew his company from the upper Brazos, falling back to San Antonio; and Teran's military dispositions for enforcing the Law of April 6, 1830, were at an end; Austin encountered some difficulty in persuading the political chief to declare for Santa Anna, but on August 30, 1832, that too was accomplished. Fortunately, for the moment, Santa Anna won.

The Convention of 1832.—Even before the issue of the civil war in Mexico was decided, the Texans determined to press their luck. On August 22, 1832, the Alcaldes of San Felipe sent out a call for a convention to meet on October 1. The purpose of the meeting as announced by the call was to proclaim the loyalty of the Texans to Mexico and to the cause of liberal reform represented by Santa Anna. Fifty-eight delegates met at the appointed time, all from the Anglo-American settlements. A Mexican delegation arrived from Goliad after the convention adjourned, but the more influential Mexican settlement at San Antonio refused to participate. The political chief declared that the meeting was contrary to the law, and was inexpedient, besides, because Santa Anna was not yet in power and could therefore not help Texas, while the declaration for Santa Anna would, of course, antagonize the Bustamante government.

Besides acting upon a number of local matters, the convention petitioned for tariff exemption, repeal of the anti-immigration article of the Law of April 6, 1830, and separation from Coahuila and the establishment of state government in Texas. Though the convention elected commissioners and took steps to provide funds for carrying the peti-

tions to Mexico, the commissioners did not depart, and the matter dropped. The reasons for inaction can only be inferred, and are not wholly clear. In the first place, though Austin was president of the convention, there are indications that he doubted the propriety of the meeting, and particularly the wisdom of petitioning at the time for separation from Coahuila. Such a petition would certainly antagonize Coahuila, and, in the light of the recent occurrences in Texas, would strengthen the suspicion that the Texans were headed toward secession. In the second place, there is some evidence of dissatisfaction with the convention among the settlers themselves. Some complained that insufficient time was allowed between the issuing of the call and the meeting and that the convention did not, therefore, wholly represent public opinion. Finally, it seemed obvious that favorable action on the petitions could not be expected in the face of the political chief's disapproval of the meeting and the refusal of the Mexicans at San Antonio to participate in it. Austin was convinced that their coöperation was indispensable in order to allay suspicion that the Anglo-Americans were simply working for independence.

Whatever the truth may be as to these matters of inference, Austin started, soon after the convention adjourned, on a tour of the Mexican settlements. Both at Goliad and at San Antonio he succeeded in getting the local authorities and the leading citizens to adopt vigorous protests against the abuses of state and federal administration in Texas and to advocate substantially the same reforms that the convention had recently requested. It was in his mind to submit these documents independently to the state and federal governments. If they resulted in the desired reforms, well and good; if not, then the Mexican inhabitants might join the colonists in whatever further measures might seem necessary.

The Convention of 1833.—It was a good plan, but it required patience, and the situation got out of hand because Austin could not be in two places at once. While he was at San Antonio, the Central Committee, a standing committee of citizens elected by the convention in October, issued a call for another convention to meet on the first of April. The call was published in the *Brazoria Advertiser* and had gained too much publicity to be quashed or withdrawn when Austin learned about it. He felt that it compromised him with his friends at San Antonio, but nothing could be done about that. To put the best face possible on the approaching meeting, when it should come to the attention of the government, and perhaps with the hope of restraining the convention, he published the San Antonio protest, original and translation, in the Brazoria paper. It would show the government that the feelings of the ancient native inhabitants of Texas coincided with those of the colonists concerning the deficiencies of administration; and it might restrain the convention from repeating the former petition for the establishment of state government in

Texas. It is not to be understood that Austin did not want state government established for Texas. On the contrary, he believed that separation from Coahuila and establishment of state government were indispensable to the peace and welfare of Texas. He had written many long and able arguments on the subject to General Teran and to Lucas Alaman, while Alaman was minister of relations, but he did not believe that the time was now propitious for action by the convention.

The impatient disposition of the convention, when it met, is probably indicated by the election of William H. Wharton to preside instead of Austin. The members had had, for the moment, enough of slow-footed conservatism. The journal of the convention has not survived. Its work as we know it, reconstructed from scattering documents, consisted in the adoption of petitions for state government in Texas, for the repeal of the anti-immigration article of the Law of April 6, 1830, for tariff exemption, and for improvement of the mail service. The impatience of the convention is further suggested by the fact that it was not content merely to petition for state government; to avoid further delay, it drew up a constitution for the approval of Congress in case that body should be willing to grant the petition. This constitution, adapted from the Massachusetts constitution of 1780, was drawn by a committee of which Sam Houston was chairman. We do not know the other members of the committee.

To present and urge its various petitions upon the government, the convention elected Austin and Erasmo Seguin of San Antonio. The election of Seguin indicates the hope, of course, that the Mexicans, though unrepresented in the convention, might still be induced to support its petitions. The hope proved vain. They admitted the need of all the reforms asked by the convention—as they had already done in their protest of December, 1832—but thought neither the time nor the method propitious for obtaining them.

In substance—though perhaps not in exactly the form that he desired—Austin won his contention that the convention should first petition for permission to organize as a state. Probably he would have preferred to hold back the proposed constitution until Congress approved the application for state organization, but its submission with the petition might do little harm. So, as he wrote his cousin, Henry Austin, he was well enough content. The letter is dated April 19, 1833:

> I leave tomorrow for Mexico on the State government mission. I go with considerable—I may say strong—hopes of success. The course taken by the convention is the true one, I think. The memorial for admission as a state is respectful and dignified and based upon the law of the 7th May, 1824 [uniting Coahuila and Texas], and I can see no just reason why any offence should be taken [to] it by the Government, nor why it should be refused. Texas cannot do any longer without a Government—things have been so dis-

jointed ever since the military authority began to interfere with the civil, and with citizens, that nothing can set them to rights again but a state Government. I approve fully of the application for admission as a state, and I think it will succeed. The consequence of a failure will no doubt be war.

Texas cannot, evidently, get along without a Govt. and if there should be no means of obtaining one with the approbation of Congress she must form one of herself in the best way she can. I have always been opposed to hasty and imprudent measures but if our application fails, I shall say we have exhausted the subject so far as it can be done by mild steps, and that a totally different course ought to be adopted, for we can then take a firm stand for rights that were respectfully petitioned for and unjustly detained. The sum and substance of the whole matter is that Texas must have a state Government. Nothing else will quiet this country or give any security to persons or property, and nothing else will be agreed to [by] me as the representative of the public wishes. . . . I was opposed to putting our Govt. into operation until we first obtained the sanction of Congress. Such a step could not have been justified on solid grounds, but if *after* our application we get no remedy, I shall advise an immediate organization under the laws of 7th May, 1824, and a second application for admission *as organized.* That also failing we shall have to do the best we can. I say that I shall advise this—I mean in case the situation of the country continues to be as it now is; for at this time we are in *anarchy* and there will be no middle course left between total ruin and an immediate organization—if our application should fail.

Three days later Austin wrote his brother-in-law, James F. Perry:

There is, I am told, some uneasiness that I shall [not] insist on the approbation of the constitution. I shall try and get the law of 6 April 1830 repealed and *a declaration that the people of Texas may legally convene in convention to make a constitution.* This much I expect to effect and no more. It is very evident that no act of mine can bind the people of Texas. What I do, if anything, shall be subject to their approbation of course—no one need have any fears that I will compromise Texas improperly. The interest of Texas is my interest. Unfortunately we have some *personal parties* amongst us—but this is an evil that will correct itself in time. I will write you all frequently—have confidence in me, untill you see what I do and then approve or punish as I merit—I start in five minutes.

These quotations illuminate the convention's procedure on the subject of state organization. Evidently there was a strong disposition to organize and announce an accomplished fact, a radical measure which Austin certainly opposed. Possibly, in the debate, Austin raised the question of territorial organization under a suitable guarantee of political rights. The radical element in control of the convention would hear nothing of territorial government, but agreed to modify the original program by petitioning for state organization and submitting at the same time—so as to avoid unnecessary delay—a draft of a constitution for Congress to approve. Having elected Austin to represent its wishes before the government because of his many well-recognized qualifications for the mission—and possibly because he could be counted on to pay his own expenses—the convention adjourned. Then doubts arose. Would Austin truly represent

the convention; would he urge its demands with sufficient firmness? Or would his habitual policy of temporizing betray him into an unacceptable compromise?

This analysis of the situation is completely verified by a letter recently obtained by the University of Texas. It was written by John P. Coles, a friend of Austin's, to Anthony Butler, minister of the United States in Mexico. Coles wrote:

> Col Austin goes to Mexico with an application from the people of Texas, for a state sepperate from Couhala, the application is made by a Convention of the people of Texas, and in reference to a decree of the Constituent Congress of the Mexican Federation under date of the 7th May 1824. If this application should fail an Effort will then be made as the Constitution provides, as we believe that we have a constitutional number of Inhabitants to Entitle us to that privaleage. Col Austin's sincerity in this matter is much doubted by many people in Texas. I hope however that Austin will not forget himself and his Friends. He is Closely watched and his future prospects depend greatly upon his Conduct in this matter.
>
> If he succeeds he will do well for himself and If for the want of proper Exertion on his part the application should fail Col Austin will be a Ruined man in Texas.

It is important to apprehend this tense situation, because it explains much that follows. Austin went to Mexico in a desperate state of mind. The aggressive, discontented element had the upper hand in Texas and was rushing affairs to a crisis before, as he feared, the sparse population was strong enough to win a contest of arms. He felt himself worn to the limit of endurance by the perpetual struggle to prevent a premature outbreak which would bring the full strength of the government upon Texas.

Austin in Mexico.—After various delays which need not be recounted, Austin reached the capital about the middle of July. Though his efforts lacked neither industry nor vigor, August and September passed with nothing accomplished, and Gómez Farías, who was acting president in the absence of Santa Anna, conveyed the impression that nothing would be accomplished. For more than four months after his departure in April, Austin heard not a single word from Texas. Toward the end of September he received a letter from John P. Coles, of which we have no copy. Austin understood from it that the situation in Texas was highly inflamed. Fearing an outbreak, Austin wrote the ayuntamiento of San Antonio, telling it that the government had granted none of the reforms which the Texans desired, and urging it to take the lead in the organization of a state government. If such a step were taken, and the step seemed inevitable, it would look much less questionable with the Mexican inhabitants of Texas in the lead. Suddenly the prospect changed for the better. Farias was mollified. Congress repealed the anti-immigration article of the Law of April 6, 1830. Santa Anna returned to the capital, and, while denying the petition for state organization, promised to exert influ-

ence upon the legislature of Coahuila and Texas to obtain a judiciary law and other reforms for Texas.

On December 10 Austin cheerfully set out for home. He was cheerful because he believed that the palpable results of his mission would allay discontent and postpone, if not prevent, the movement that seemed impending when the convention adjourned. Delay meant time gained for Texas to grow stronger by renewed immigration. On January 3, 1834, he was arrested at Saltillo for writing the letter urging the ayuntamiento of San Antonio to head the movement for state government. Presently we shall return to him in prison in Mexico. We must now cast an eye upon Texas.

Texas during Austin's absence.—Austin closed one of the letters that he wrote his brother-in-law on the eve of departing for Mexico: "I have just heard of the colera at the mouth of the river and that there have been 5 deaths—dreadfull indeed—how I tremble for you all—pray be carefull and use all precautions." The disease developed into an epidemic. Eighty persons died at Brazoria. Velasco, near the mouth of the Brazos, was almost depopulated. Other settlements suffered less, and some escaped entirely, but everywhere anxiety was intense and absorbing. Floods swept the Brazos and Colorado bottoms, in which half the colonists were settled. An unusually virulent season of malaria added its toll of suffering and death to that of cholera. Political excitement subsided and Austin's letter to the ayuntamiento advising summary organization of a state government found even Brazoria, the hot-bed of discontent, ready to wait a year or two before renewing the demand for state government—provided the people were not in the meantime oppressed "by planting law-despising garrisons, custom houses, etc., etc., amongst us." It was Austin's misfortune that he was not informed of the change in the political temper.

News of Austin's arrest did not disturb the calm—more particularly because it reached Texas in the same mail with a flood of letters from Austin warning the people against any manifestation of public excitement. Austin's friends were accustomed to following his advice in political matters, and they followed it now. Others were content enough with the general situation and were not disposed to exert themselves in Austin's behalf. Forgetting the state of public opinion when he left Texas or failing to reflect that he had no means of knowing that sentiment had changed during his absence, they were inclined to think that he had brought misfortune upon himself and deserved what he got. Sam Houston, for example, wrote John A. Wharton, "I was provoked by his first letter, where he *broke into prison*"—that is, by the letter advising the going on with the state organization.

Therefore 1834 was a peaceful year and its annals here shall be brief. The repeal of the anti-immigration article of the Law of April

6, 1830, was announced simultaneously with Austin's arrest, and there was hope of tariff exemption later. During the following spring the legislature gave Texas many long desired reforms. It increased local autonomy by creating four new municipalities—those of Matagorda, San Augustine, Bastrop, and San Patricio—and by putting the departments or political chieftaincies of the Brazos and Nacogdoches into operation. It gave Texas an additional representative in the legislature, which was to be composed now of three members from Texas and nine from Coahuila. It permitted the use of English in legal documents, and thrust into a new land law the declaration already noticed, that no person should be molested for religious opinions provided he did not disturb public order. It repealed a law of three years' standing that restricted retail trade to native-born citizens. Finally, it passed the judiciary act, giving Texas appellate circuit courts and trial by jury. These measures reinspired hope. Texas could wait yet awhile for state organization.

The general feeling of optimism was increased by Colonel Almonte's tour of inspection. Almonte came to Texas expecting to find the settlers on the verge of revolt, and with instructions from Gómez Farías to divert them with promises and false assurances until the government could be prepared to take hold of the situation with a firm hand. Contrary to his expectation, he found the settlers "well disposed and friendly." They, too, from being at first inclined to regard Almonte as a spy, became convinced that he was honestly seeking information upon which the government might base intelligent reform. What oral reports of his inspection Almonte may have made, after his return to Mexico, we do not know; but in all his available writings he recognized and condemned most of the abuses of which the colonists had complained, and seems to have believed that the removal of these and the establishment of political order in Mexico were the conditions most essential to the contentment and loyalty of the colonists.

During the summer of 1834 a quarrel between Saltillo in the south of Coahuila and Monclova in the north over the location of the capital resulted in confusion and violence, and ultimately in the establishment of an illegal government in both places. Using this situation as a pretext, the Mexican political chief of the department of Bexar, or San Antonio, and the newly appointed political chief of the Anglo-American department of the Brazos fostered a call for a convention to meet in November to establish yet a third illegal government at San Antonio; but the call fell flat, and the year ended with peace in the American settlements unbroken.

Political disorders.—The relative tranquillity of 1834 was, however, merely the proverbial lull before the storm. Political developments in Mexico were driving rapidly toward a crisis. Santa Anna, who had risen to the presidency as the leader of the Liberal Repub-

lican party, had flirted throughout the year with the defeated Centralist party, which was reputed to be the party of the military and ecclesiastical aristocracy. By the end of the year he had decided to desert the Liberals and go over definitely to the Centralists. Thereafter he was practically dictator. On May 2, 1835, the Congress promulgated the remarkable declaration that it possessed "extraconstitutional powers" to make such changes in the federal constitution of 1824 as it thought to be for the good of the nation, without subjecting itself to the tedious procedure prescribed by the constitution for amendments. Hoping to forestall and disarm opposition, Congress had passed a law a month before reducing the state militia to the proportion of one man for each five hundred inhabitants. The final act of centralization was a law passed on October 3, 1835, dissolving the federal system and placing the state governments in the hands of executives and councils appointed by the president. This decree, however, did not affect the Texans. The first gun of the Texas revolution was fired before its passage. Though strong opposition to the reactionary program appeared in a number of states, it was everywhere suppressed—sometimes, as in Zacatecas, with shocking severity.

Austin was observing these developments in the federal government at close range, but confessed his inability to interpret them. From the middle of February until December 25, 1834, he was in prison in the City of Mexico, awaiting trial on general charges of disaffection over which no court was willing to accept jurisdiction. He was released on bond on Christmas day, and wrote Samuel M. Williams on December 31 that he had been too long out of the world to know much about politics, but, he continued, "those who have had better opportunities seem to know as little—in short, nobody seems to understand what is going on. . . . Great political difficulties are feared by many, while others seem to rely on *a peace of exhaustion,* the want of means to revolutionize." He had not seen Santa Anna and had no report to make of him but declared that little could be said of "his political course in general." On March 10, 1835, Austin wrote his brother-in-law: "The political character of this country seems to partake of its geological features—all is volcanic. . . . There is a fuss at Vera Cruz; the garrison of the Castle mutinied, tied their officers, and are bombarding the city. All the rest of the country is quiet. To say how long it will remain so would be the same as to say when Vesuvius will or will not explode." On April 4 he wrote: "There is no danger of a change in the system of government; The federation is in no danger." On April 15, however, he wrote: "There will be some change, but not a radical one—This is my opinion." Finally, on the eve of his departure from Mexico, July 13, 1835, he wrote: "There seems to be no doubt that the system of government will be changed from federal to central, though it probably will be

some months before the new constitution can be framed and published."

There is much evidence that Austin's stubborn hope for the development of peaceful, stable government in Mexico was completely disillusioned during the two and a half years of his absence from Texas. As early as October, 1833, he wrote his brother-in-law: "I am tired of this government. They are always in revolution and I believe always will be. I have had much more respect for them than they deserve." His own experiences emphasized his disillusionment. As was said a moment ago, all 1834 passed while he was being shunted from prison to prison with one court after another disclaiming jurisdiction to try his case. When he was released on bond he thought that the rest of his trial could not consume more than a month—his friends thought much less. On January 21 acquittal was still two or three weeks in the future. By February 6 further thought of completing the trial was abandoned; he was awaiting publication of a general amnesty law, and hoped to leave for Monclova and a meeting with Williams in ten or fifteen days. A week later he might be released by the first of March. By March 10 he no longer ventured a guess. The amnesty law had finally gone to the president for approval, but it was rumored that he would return it to Congress for alterations. "This," said Austin, "is a measure in which many thousands are deeply interested and one that the government and three-fourths or more of both houses and all the influential men are anxious should pass, and yet it has to travel the usual snail's pace of public matters. This example ought, of itself, to be proof to some of those who are so ready to blame me at home of the delay and difficulty of effecting anything here." On April 4 he hoped to be free by the end of the month, but by the 15th there had been no change, and he made no calculations. The law was finally approved and published on May 3, and he hoped to have his bond cancelled in time to start homeward with Don Victor Blanco on the 26th. But the matter was not so simple. A ruling must first be obtained that Austin's offense was comprehended in the amnesty law. This was settled on June 22, and on July 11 his passport was issued and he left within a week for Vera Cruz to return to Texas by New Orleans.

The crisis in Texas.—We must precede Austin to Texas and notice the disturbing developments there since the coming of the new year, 1835. The state government was again in dire confusion through the renewal of the quarrel between Saltillo and Monclova over the location of the capital. Taking advantage of the fact that the government at Monclova was hostile to Santa Anna, Saltillo declared for the dictator, and thereby gained the decisive support of General Cós, commandant general of the Eastern Interior Provinces. With the hope, or with the pretext, of obtaining the necessary resources to defend the legitimate state government against attack from Saltillo,

the legislature of 1835 had sold vast quantities of land in Texas to a few speculators. Cós seized upon the speculations; declared the land sales a violation of the federal colonization law—though the statement was technically untrue; and sent a military force against Monclova to dissolve the government. The legislature hastily adjourned, but Cós's troops deposed and arrested the governor. The Texans were thoroughly disgusted by the land speculations and refused to lift a hand in defense of the state government, but events were nevertheless driving them toward a crisis.

It was inevitable that any administration strong enough to extricate itself from difficulties nearer home must turn its attention sooner or later to Texas. The custom houses and their accompanying guards must be revived. This was not merely to collect the duty on imports consumed by the colonists. Almonte reported an enormous smuggling trade to the interior that should have paid duty at Matamoros and gone to maintain the military chest of the Eastern Provinces. He probably did not exaggerate. Official correspondence from San Antonio contains many complaints of the practice, which was casually admitted by the Texans. The first step toward a firmer régime in Texas was the appointment of General Cós to be commandant of the Eastern Provinces. He, in turn, made Colonel Ugartechea commandant of Texas. Ugartechea was an honorable, sensible, and tactful officer, but one not likely to minimize the importance of any obligation due the national government. Then, in January, 1835, Captain Antonio Tenorio with a detachment of soldiers and a collector arrived at Anahuac to reopen the custom house. A deputy collector was stationed at Brazoria; and immediately, to all outward appearance, the hand of time moved back three years, with Tenorio and Gonzales, the collector, now playing the rôle of Bradburn and Fisher, and Andrew Briscoe and Travis that of Patrick Jack and John Austin.

Briscoe was a merchant at Anahuac. He particularly resented the enforcement of the tariff there because he believed that it was not being enforced in other Texan ports. Irritation led to practical jokes on the guards, and these, in turn, to retaliation on the jokers. In the end Briscoe and a friend were arrested and lodged in the guard house.

News of the arrests reached San Felipe about the time that a military courier arrived in the village with mail. He delivered a letter from General Cós to James B. Miller, the political chief, telling him of the arrest of the governor and the suspension of civil government at Monclova. It was court week, and the town was crowded. Despite the fact that the people had recently refused to obey the governor's call for militia and had expressed their keen disgust at the wasteful land legislation, there was now great excitement. A group quickly gathered around the courier and seized other letters that he was bearing to Tenorio. Among these was a letter from Cós assuring Tenorio

that heavy reinforcements would sail shortly to his relief and another from Ugartechea saying that the troops that had crushed Zacatecas were then at Saltillo on the way to Texas. The details of what followed are not entirely clear. Apparently a meeting collected and elected the political chief to preside. According to Travis it adopted a resolution "'that, in connection with the general defense of the country against military sway, the troops of Anahuac should be disarmed and ordered to leave Texas."

The next day another meeting, presided over by R. M. Williamson, adopted resolutions reviewing Santa Anna's violations of the federal and state constitutions and declaring their intention to maintain these instruments in their original republican character. An address by Williamson on the Fourth of July following gives the additional information that the meeting resolved to capture San Antonio, take possession of the military equipment collected there, and install the vice-governor, Ramón Músquiz, at the head of a provisional government pending the release of Governor Viesca. The meeting was attended, said Williamson by some of the oldest citizens of Texas, men in no way concerned with the speculations; "upon investigation [they] declared the country in danger and that no time should be lost in preparing for war."

Travis, in the meantime, was enlisting volunteers to expel Tenorio from Anahuac, an enterprise that certain friends of his at that place had previously begged him to undertake. On June 29, with twenty-five men and a small cannon, he appeared before the garrison and demanded its surrender. The next day Tenorio gave up his arms and agreed to lead his men from Texas.

Travis returned to San Felipe to find himself and the meeting of the 22d the target of severe criticism. People resented the apparent effort to "stampede" them into precipitate action. A large meeting at Columbia, on June 28, condemned the "acts and conduct of any set of individuals (less than a majority) calculated to involve the citizens of Texas in a conflict with the federal government of Mexico." It declared that separation from Mexico was neither the wish nor the interest of the people. At the same time it exhorted the people to adhere strictly to the constitution and laws, and urged the political chief to take steps to defend the frontier from Indian depredations. Militia organized to fight Indians would be equally effective against Mexicans, and, since Santa Anna was then remaking the constitution, adherence to the original instrument would be equivalent to rebellion; but, despite this apparent ambiguity, there is strong evidence of the pacific intent of the meeting. Other communities followed Columbia's lead, declaring their loyalty and their desire to remain at peace. Some specifically condemned the attack on Anahuac. Miller apologized for the meeting of the 21st. Travis declared that he had acted with the most patriotic motive, which no doubt he had, and

asked the public to suspend judgment until he could publish an explanation. By the middle of July observers of all shades of opinion agreed that the people wanted peace and would maintain it unless some extraordinary provocation occurred.

Provocation did not tarry. Cós issued a requisition for the arrest of Travis, Williamson, and others who had been conspicuous in the recent agitations and ordered Ugartechea to enforce it. He declined to receive a peace commission until the men were delivered. At the same time it became certain that Cós, with large reinforcements, intended to assume command in person at San Antonio. Why was he coming if not, as the alarmists argued, to establish military rule?

In any event, the colonists could no longer afford to drift. A deliberate policy was desirable, if not essential. Therefore, on August 20 a committee of fifteen, appointed by a meeting at Columbia on the 15th, issued an urgent call for a convention, or consultation. Only by such means, said the committee, could the people be united, either for peace or war. Cursing the land speculators and the war party would avail nothing. The situation was menacing and must be faced. The plan, in brief, was for each precinct to elect five delegates—"selected for their wisdom and honesty and their deep interest in the welfare of their country"—to meet on October 15 at Washington on the Brazos. There was wisdom in the proposal, but it came from the war party and would probably have failed had Austin not arrived opportunely and approved it without hesitation or qualification.

Austin takes charge.—Austin arrived at Velasco on September 1, and a wave of relief swept quickly over the country. There was great anxiety concerning the propriety of another convention. Past conventions had not been successful either in obtaining reforms or in uniting the people. Were the Columbia radicals not trying to precipitate a crisis that could still be avoided? San Felipe was now controlled by the peace party, and opposed the meeting. As the capital of the department of the Brazos, championing the policy that Austin had always advocated, its attitude would go far toward defeating the convention. Though popular meetings at Nacogdoches and San Augustine had endorsed the meeting, the ayuntamiento of Nacogdoches forbade the election of delegates. Uncertainty ended, or ceased to trouble, with Autsin's return. A committee from Brazoria invited him to a public dinner, where the people could "express their approval of his public services and their respect for his private virtues." A similar committee from San Felipe inquired when they might escort him into the town where all were "prepared to receive him with open arms and acclamations of joy."

The Brazoria dinner was set for September 8, and the day must have been awaited with keen suspense, for it was well understood that Austin would deliver a "keynote" speech, charting the course that must be immediately followed. If he approved the consultation, elec-

tions would go forward with no further doubts; if he opposed, the plan would certainly fail, and would probably be abandoned. He had peace or war in his hands, and the people would unquestioningly accept what he gave. He spoke unequivocally for the consultation. Whether the people were to accept or reject the change from republican to centralized government could only be determined by such a meeting. Santa Anna had repeatedly assured him, he said, that he wished to give the Texans "a special organization suited to their education, habits, and situation"; but only by such a meeting could Santa Anna be informed of the sort of organization that would suit their "education, habits, and situation." He had uniformly warned Santa Anna, he said, that "the inevitable consequence of sending an armed force to this country would be war"; yet troops were coming in large numbers, and a Mexican war vessel had already been ravaging the coast. The people were not responsible for this condition, but they must decide what to do about it, and for that a convention was necessary. It was plain enough to Austin that war was all but inevitable and that, if disaster was to be avoided, the people must be united.

Austin threw himself now with the utmost energy into the task of securing a fully representative convention. A public meeting at San Felipe made him a member of the local committee of correspondence on September 12; and thereafter, by common consent, the direction of events passed definitely to him.

The first gun of the Revolution.—On September 21, Austin sent out information that General Cós had landed at Copano with a large force and that a band of Texans was gathering to prevent his uniting with Ugartechea at San Antonio. Ugartechea's inopportune demand for a cannon at Gonzales and the refusal of the inhabitants to deliver it diverted attention from Cós and enabled him to slip into San Antonio unopposed. The situation at Gonzales quickly developed into a clash and on October 2, 1835, the first shot was fired in the Texas Revolution.

The causes of the Texas Revolution.—In the end, it was the development of national politics, I think, which precipitated the Texas revolution. Not to mention local and state insurrections and isolated "plans" and pronunciamentoes touching national affairs, there were four major revolutions during the six years from 1829 to 1835. First, the grim old warrior, Vicente Guerrero, overthrew the mild and liberal Pedraza and ruled for nine months, most of the time invested by Congress with the military power of a dictator, to enable him to repel the Spanish invasion of 1829. Second, General Bustamante succeeded Guerrero by the sword and gave his power a fictitious legality by the sanction of Congress. Third, the Republican Santa Anna overthrew Bustamante and restored the accommodating Pedraza to the presidency—all with the approval of Congress—in order to gain

time for his own formal election as the champion of liberalism and democracy. Finally, Santa Anna, the Liberal, yielded to Santa Anna, the reactionary Centralist, and a centralized dictatorship took the place of the so-called federal republic—again with the fictitious Congressional sanction. The successive eruptions gave no indication of a tendency toward national political stability; quite the contrary—a fact which might be expected to have caused, and which did cause, uneasy reflections in Texas.

The really ominous fact, however, was that each successive change seemed to bring Texas more completely within the blighting sphere of the federal government's attention. Guerrero issued the emancipation decree of 1829; Bustamante approved the fateful Law of April 6, 1830, which, had it been enforced with its original design, would undoubtedly have paralyzed the development of Texas for many years; Santa Anna's Liberal revolt, by a fortuitous chain of circumstances, caused the abandonment of Austin's policy of aloofness and brought the Texans squarely into the national party convulsions that Austin had always tried to avoid; finally, the victory of Centralism threatened, as the Texans would have expressed it, to bring the country under the heel of military despotism.

There are many indications, only three of which can be mentioned now, that Santa Anna's about-face from Liberalism to Centralism was the last unbearable straw upon the proverbial camel's back.

In the first place, I think it determined Austin's attitude, and Austin's attitude was decisive. He could have disorganized the resistance of the colonists in the fall of 1835; instead, he organized and united their resistance.

In the second place, R. M. Williamson's Fourth of July address, explaining the circumstances that led to Travis's attack on Anahuac, was directed entirely toward the end of convincing the Texans that they were in dire danger from Santa Anna's destruction of the federal system. Williamson was not a radical malcontent chronically bent upon stirring up agitation, but was a man of independent mind and generally of sound judgment. A brief quotation will illustrate the tone and content of his very long speech: "All the states have succumbed to the power of the military," he said, "and, as Texas is the only spot unconquered, Santa Anna is marching his troops here to compel a submission to the new government. And the people have to determine whether they also will yield to the power of the dictator; give up their arms; suffer their country to be garrisoned with strong military posts; and live under the rule and sway of the military. They must do this or they must prepare for war; they must submit to the military government or they must defend their province and their rights with the sword and the bayonet; and they must do this without delay, for the enemy is advancing on our country."

The third bit of evidence to be mentioned here, indicating the

importance which the Texans attached to the centralization of the government, is furnished by a set of resolutions drawn by David G. Burnet on August 8, 1835, and adopted by a public meeting on the San Jacinto River. Burnet was a man of judicious temperament, and wrote as a conservative and a pacifist. Assuming it to be true that the federal system was destroyed, he saw no reason, he said, why Texas should not be happy under another form of government. Names were the mere signification of things, he declared, and the people were not "so obstinately prejudiced in favor of the term, 'federal republic' as . . . to reject another government purely because it has assumed a different external sign or denomination."

Always in the background was the fatal fact that the Mexicans distrusted and feared the Anglo-American settlers while the Texans distrusted and half despised the Mexicans. Mutual annoyances were magnified and disturbed by the atmosphere of suspicion and misunderstanding. At bottom, the Texas revolution was the product of the racial and political inheritances of the two peoples.

CHAPTER XVII

THE LAW OF APRIL 6, 1830

By Stephen F. Austin and William H. Wharton

[The Law of April 6, 1830, was a general law, designed to stop the settlement of colonists from the United States in Texas and to promote the settlement of Mexicans and Europeans in Texas. Articles ten and eleven, which were the most objectionable parts of the law to the Texans, were as follows:

10. No change shall be made with respect to the colonies already established, nor with respect to the slaves which they contain—but the general government and that of each particular state, shall exact, under the strictest responsibilities, the observance of the colonization laws and the prevention of further introduction of slaves.

11. In exercise of the right reserved to the general congress by the 7th article of the law of 18th August, 1824, the citizens of foreign countries lying adjacent to the Mexican territory are prohibited from settling as colonists in the states or territories of the republic adjoining such countries. Those contracts of colonization, the terms of which are opposed to the present article, and which are not yet complied with, shall consequently be suspended.

For further discussion of the law read: Barker, *The Life of Stephen F. Austin,* Chapter X; Howren, "Causes and Origin of the Law of April 6, 1830," in *The Southwestern Historical Quarterly,* XVI, 378–422; Barker (editor), *The Austin Papers,* II, 377–428.

The first of the two documents which follow was written by Stephen F. Austin and is published in *The Austin Papers,* II, 386–391. The second document is the report of a committee of the Convention of 1832, and is published conveniently in Gammel, *Laws of Texas,* I, 486–490. William H. Wharton was chairman of the committee which prepared the report and the document is probably in the main the work of Wharton.]

I. Argument Against the Law of April 6, 1830[1]

By Stephen F. Austin[1]

At the period of Mexican independence in 1821, Texas was uninhabited by a civilized population, except the towns of Bexar and Goliad. It was infested by numerous bands of hostile Indians who sallied forth at pleasure to rob and desolate the settlements on the Rio Bravo, extending their depredations into the mountains to the

[1] The date of this document can not be determined positively. Austin most probably wrote it during the summer of 1833 while in Mexico petitioning for the repeal of the immigration articles of the Law of April 6, 1830.

neighborhood of Monclova and Monterey, and along the coast of Tamaulipas.

The system of frontier defence used by the Spanish government of establishing military posts or *presidios,* was never an effectual barrier, for when those posts were in their best state of armament, the most that was done was to protect the immediate vicinity without being able to cover the whole country, or prevent the Indians from harassing the frontier settlements, and committing robberies on the public roads.

The natural consequence was, that the civilized settlements were limited to the garrisoned towns. A few scanty villages were thus sustained like isolated specks in the midst of a wilderness at an enormous expense to the government and a great waste of men and money. A country thus situated could evidently yield no revenue in return for the millions expended in its defence; it could not advance much in population or improvement, nor add anything to the physical force of the nation, but on the contrary, weakened it.

It may therefore be said with truth, that under the old system of *presidial* defence, the whole of that part of the Mexican territory situated north and east of a line from near *Soto la Marina* on the Gulf of Mexico to the Gulf of California was an expense and a dead weight to the government.

The experience of years had already convinced the Spanish authorities of the internal provinces, of the absolute inefficacy of the old system of frontier defence, and that the only effectual and permanent barrier was population, the settlement of the frontier by a hardy and enterprising race of people before whom the savages would retire, or become submissive.

The result of this new opinion was a total change of the ruinous restrictive system which had for centuries locked up the whole of the Spanish possessions from the rest of the world. The first step that was taken towards the new system of frontier defence was the grant to Moses Austin on the 17 January, 1821, to settle a colony of North Americans in the wilderness of Texas.

During that year, 1821, the independence was achieved, and the lights of liberal and republican principles shed their benign influence over the whole country. One of the first acts of the new government was to open the door to the emigration of foreigners, the colonization laws were enacted, and emigrants were expressly and earnestly invited to enter. Under the faith and operation of those laws the settlement of Texas was commenced, and its wilderness was rapidly changing its uninhabited state and wild aspect, and yielding to the progress of civilized population, led on by enterprise and perseverance.

The emigrants to Texas, it is well known, have never received any succors from the government—no garrisons were sent to pro-

tect them during their infancy from the hostile Indians who then filled every part of the country. They have never cost the government one cent—all they have ever received was permission to settle in the country, and a title for the lands they redeemed from the wilderness, lands that were then valueless to Mexico or to civilized man. Left to their own resources and daring enterprise, they have conquered a wilderness, and made known to Mexico and to the world the true value, and developed the resources, of a large portion of the Mexican territory which was before hid in obscurity. They have also greatly contributed to the new system of frontier defence by means of population and fully tested its efficacy, for the savages have retired before them, as they will continue to do, if the same system is pursued, until they are reduced to full subjection or settled in villages as agriculturists.

It is certainly a natural and very rational inquiry: What inducements, what incentives, what hopes, could have operated so powerfully upon the minds of the emigrants to Texas, as to have given them fortitude to brave the dangers of savage foes, to despise the hardships and privations of the wilderness, to support them through trials and privations at which the stoutest hearts shrink, the cries of their little children even for bread, the well-founded fears and despondency of their wives, surrounded as they were the first years of the settlement, by Indians, famine, and sickness and by the dark gloom of moments when even hope almost recoiled from the future? What impulse of freedom and deeply imbedded hope bore them up and carried them through *such* difficulties? Was it the bare expectation of getting a piece of land in a wild wilderness and there living on the mere products of their manual labor, and degenerating into the habits of wild Indians? No—common sense, and the characters and former habits of those settlers, unite in saying— NO. But on the contrary the great and nerving hope that bore them onward, was to redeem this country from the wilderness, and convert it into the abode of civilization, of abundance and happiness, and by *that* means to repay themselves, their wives and children for the hardships and sufferings of their early settlement, and also to repay the government more than thousand fold for the privilige of settling in Texas, and of making wild lands valuable, that before were valueless.

On what grounds was such a hope as this founded? It was founded on the colonization laws, on the general, liberal and broad invitation given in those laws to the whole world to come and settle in Texas, on the faith of the government that such an invitation would not be *thus* given merely to draw a few unsuspicious emigrants to this wilderness and *then* to close the door and shut them out forever from their friends and relations, and in fact from the balance of the civilized world, when years of struggling through difficulties had just begun to realize their hopes. Could the first emigrants have supposed

that they would have been deprived of the privilege of settling by their sides a son or daughter, an aged father or widowed mother, a brother or sister, an old and affectionate friend or neighbor of other days and of other countries, because they did not emigrate on *this* or on *that* particular day? Could they have supposed that the general invitations of the colonization laws were mere time serving and temporary expedients which were to be changed without any apparent reason and without any violation of duty on the part of the first emigrants; is it reasonable to suppose that they would have labored as they have done, suffered what they have suffered, to bring forward this country, and give value character, and credit to it? No—they built their hopes on the permanency of the colonizing system, on the faith of the government pledged in their colonization laws, on the broad basis of philanthropy and republican freedom which they supposed had been adopted as the foundation on which the social institutions of Mexico were erected. Those hopes were certainly not entertained without a sufficient cause, and neither are they now destroyed notwithstanding the restrictions which are imposed by the Law of 6 April, 1830, which totally interdicts the emigration of North Americans, for it is confidently believed that those restrictions grew out of peculiar circumstances, party excitements and hasty jealousies which no longer exist.

It seems to have been received as a correct opinion that the inhabitants of Texas wished to separate from Mexico and unite with the United States of the North. It seems that the virulence of party feelings even went so far as to suspect that a friendly and republican government whose territory is already too great for its population, wished to seize upon Texas. Such opinions and suspicions are evidently at variance with the conduct and avowed wishes of those emigrants, and with the true and substantial interests of Texas, on the one hand; and with the good faith and established policy and principles of the government of the United States on the other. Texas could gain nothing by a separation from Mexico, except a removal of the ruinous restrictions that now impede its progress in population and wealth, and if those restrictions were taken off, there is not a rational man in the country who would not oppose a separation. The true interests of Texas are to become a State of the Mexican confederation, and this is the desire of its inhabitants. By the law of 7 of May, 1824, forming the State of Coahuila and Texas, the latter was only provisionally annexed to the former, until it possessed the necessary elements to form a state of itself and this very law was another inducement to the emigrants to persevere, for it held out the inducement, amounting even to certainty, that Texas would be a State so soon as its population and resources were sufficient. Moral obligation, and interests are the two great cords that bind communities, states and nations together. In no instance can the principle of inter-

est be stronger than in the present one, supposing the restriction against emigrants to be taken off.

Texas must be an agricultural country, and the most of its agricultural productions will find a much better market in the Mexican ports than in those of any part of the world. The interior trade by land will also be very important. At this time, this trade is principally carried on through Missouri to New Mexico and Chihuahua, but the geographical situation of the country and the practicability of roads from the harbors of Texas, evidently indicate that the natural channel of that trade is from those ports, in preference to the circuitous route by Missouri through a foreign country, subjecting merchandise to a double duty which they would be exempt from if taken from the ports of this nation.

The manufactures of Texas, abounding as this country does in facilities for their establishment, would evidently lose by a separation from Mexico. In fact there is not one interest in Texas that would not be injured by a separation, not one that would not be materially benefited by the erection of this country into a state of Mexico.

This being the case, why drive the people of Texas to desperation by a system of restriction, that is at variance with the inducements and well founded hopes first held out to the emigrants, and with the true interests of the country? The 11th article of the Law of 6 April, 1830, totally prohibits the immigration of North Americans, and suspends contracts previously entered into by the government, thereby depriving the present settlers of the consolation of settling their relatives and friends alongside of them. It also cuts off all hope of future advancements for years to come and condenms this country to a wilderness. The hope of bringing out emigrants from Europe is a faint and distant one, and will require many years and a vast amount of capital to accomplish it. And, besides, what security or guarantee have *they,* in coming here, that they will not also be deprived of the privilege of bringing out their relations and friends after they have suffered years of hardships in preparing a home for them, as the settlers from the United States have been by the Law of April 6, 1830?

Under this view of the subject, it certainly appears evident that that part of the Law of 6 April, 1830, prohibiting the immigration of North Americans is unjust and at variance with the faith and pledges of the government and with the true and substantial interests of Texas. That law will not, and cannot prevent the introduction of hundreds and thousands into Texas, who, if they do not receive the sanction of the government to remain and acquire real estate, will, as a matter of course, become restive and perhaps, jeopardize the public tranquillity. But, on the other hand, by opening the door for admission of honest and honorable men of high character and property, the moral influence of such men will correct and direct public

opinion, and make the moral tie, as well as that of interest, which does and ought to bind Texas to Mexico indissolubly.

II. Petition for the Repeal of the Law of April 6, 1830

By William H. Wharton

To the Federal Congress of Mexico:

Your memorialists, representatives of all the Anglo-Americans in Texas, in general Convention met, taking advantage of that sacred and republican privilege of making known their wants and grievances which is guaranteed to them by the Constitution of their adopted country, respectfully represent, that they have viewed, and still view, with sentiments of the deepest regret and mortification, the passage and the present existence of the 11th Article of the law of the 6th of April, 1830. This law is obnoxious to your memorialists for many reasons. Independent of its withering influence on all the hopes of Texas, it implies a suspicion of our fidelity to the Mexican Constitution. Such suspicion we humbly conceive to be utterly unwarranted; and we will endeavor to prove it so, by taking a review of our conduct from the passage of the first colonization law up to the present period.

In the year 1823, the Congress of the Mexican Nation invited the citizens of the United States of the North to become inhabitants of Texas, giving to each family one sitio of land for so doing. This donation of land sounds largely at a distance. Considering, however, the difficulties with which the taking possession of it was environed, it will not be thought so magnificent a bounty, nor so entire a gratuity. Had these lands been previously pioneered by the enterprise of the government and freed from the insecurities which beset a wilderness trod only by savages; had they been in the heart of an inhabited region, and accessible to the comforts and necessaries of life; had the government been deriving an actual revenue from them; could it have realized a capital from the sale of them, then we admit that the donation would have been unexampled in the history of national liberality. But how different from all this, was the real state of the case? The lands in question, were situated in a wilderness of which the government had never taken possession. They were not sufficiently explored to obtain that knowledge of their character and situation which would be necessary to a sale of them. They were in the occupancy of savages. They were shut out from all commercial intercourse with the world, and inaccessible to the commonest comforts of life; nor were they brought into possession and cultivation without much toil and privation and patience and enterprise and loss of lives from Indian hostilities and other causes. Under the smiles of a beneficent Heaven,

however, the untiring perseverance of the immigrants, in a great degree, triumphed over all natural obstacles; it reduced the forest into cultivation, made the desert smile, established commercial intercourse with the rest of the world, and expelled the savages, by whom the country was infested.

From this, it must appear that the lands of Texas, although nominally given, were in fact really and dearly bought. It may here be premised that a gift of lands by a nation to foreigners, on condition of their becoming citizens, is immensely different from a gift, or sale, from one individual to another. In the case of individuals, the donor, or seller, loses all further claims upon the lands parted with. But in this case, the government only gave wild lands that they might be redeemed from a state of nature, that the obstacles to a first settlement might be overcome, and that they might be placed in a situation to augment the physical strength, and the power, and the revenue of the nation. Is it not obvious, that Mexico now holds the same jurisdiction over the colonized lands of Texas that all nations hold over nineteen-twentieths of their territory? For the first six or seven years after the commencement of our settlements in Texas, we gratefully admit, that our enterprise was animated, and our hardships alleviated, by the kindness and liberality of the Mexican government. We insist, however, that this beneficent disposition of the government was followed by gratitude and loyalty on our part.

The only portion of our conduct during this period that could be tortured into anything like disloyalty was the Fredonian disturbance at Nacogdoches in 1826. And when it is considered by whom these disturbances were originated, and by whom quieted, instead of exciting the suspicion of government, we respectfully conceive that that transaction should have confirmed its confidence in our patriotism.

The disturbance alluded to originated with some fifteen or twenty infatuated individuals. The great mass of the settlers were opposed to their mad design, which they testified by capturing the conspirators and putting them in custody before the arrival of a single Mexican soldier.

Was there anything in this calculated to awaken the suspicions of government?

Bad and desperate men there will always be found, in every community. There will always likewise be a portion capable of being easily misled; and is it not really a matter of astonishment that in this instance the bad, the desperate, the dissatisfied, and the misguided, were limited to so insignificant a number?

Excepting the disturbance, which was opposed by ninety-nine hundredths of the settlers, and which was quieted by their zeal and patriotism, we repeat it, that up to the passage of the Law of the 6th of April, 1830, our conduct was orderly and patriotic.

The passage of this law was a mortifying and melancholy occur-

rence for Texas. It was mortifying to us, because it must have been founded on a suspicion that we were disposed to rebel; such suspicions did us great injustice—for we had uniformly exhibited strong proofs of our attachment to the Constitution. It was a melancholy event for us, for it blasted all our hopes, and was enough to dishearten all our enterprise. It was peculiarly mortifying, because it admitted into Texas all other nations, except our friends and countrymen of the United States of the North; except the fathers and brothers of many of us, for whom we had emigrated to prepare comforts and homes, and whose presence, to gladden our firesides, we were hourly anticipating. Yes! this law closed the door of emigration on the only sister Republic worthy of the name, which Mexico can boast of in this New World. It closed the door on a people among whom the knowledge and foundations of National Liberty are more deeply laid than among any other on the habitable globe. It closed the door upon a people who would have brought with them to Texas those ideas of Republican government in which, from birth, they had been educated and practised. In short, it closed the door upon a people who, generously and heroically, aided Mexico in her revolutionary struggle; and who were the first and foremost to recognize and rejoice at the obtainment of her independence. Is it for a moment to be supposed, that the European parasites of power, to whom, now alone, the door of emigration is left open [1]—that those who have been taught from infancy to disbelieve in the natural equality of mankind—who are unacquainted with Constitutions, even in name—who, politically speaking, have never been accustomed to think or legislate for themselves—who reverence the arm of monarchical rule—who pay adulation at the feet of an hereditary nobility—and who have contemplated Republics, only in theory, and at a distance—is it, we repeat, to be supposed that immigrants of this description will contribute more to the advancement of liberty and the welfare of the Republic than emigrants from that land of liberal sentiments, that Cradle of Freedom, that Mother of Constitutional Heroes, the United States of the North? If such be the fact, habit and education must go for nothing, and all experience is set at naught, and contradicted.

Your memorialists having, as they trust, and respectfully conceive, shown to your Honorable Bodies, that their conduct, up to the passage of the Law of the 6th of April, 1830, was orderly and patriotic will now turn your attention to their conduct since that period.

This law was sufficient to goad us on to madness, inasmuch as it blasted all our hopes and defeated all our calculations; inasmuch as it showed to us that we were to remain scattered and isolated and unhappy tenants of the wilderness of Texas, compelled to gaze

[1] The mass of Europeans are here alluded to.—Many Republicans among them are brilliant exceptions to these remarks. [This is a note in the original, it is not the editor's.]

upon the resources of a lovely and fertile region, undeveloped for want of population, and cut off from the society of fathers and friends in the United States of the North—to prepare homes and comforts suited to whose age and infirmities many of us had patiently submitted to every species of privation. But what was our conduct? As peaceful citizens, we submitted. The wheels of government were not retarded in their operation by us. Not a voice nor an arm was uplifted. We had confidence in the correct intentions of government, and we believed and hoped, that when the momentary excitement of the day had subsided a returning sense of justice and liberality would give this obnoxious law a brief duration. For more than two years we have remained in this peaceful—this unmurmuring attitude. About this time, the heroic and patriotic General Santa Anna arose, as the vindicator of Liberty and the Constitution. We had confidence in the purity of his motives. We believed that the evils which he battled to redress were of an alarming and crying magnitude, of no less a magnitude than an utter disregard of the Constitution on the part of the vice-president and his ministers—with General Santa Anna we united, as fellow laborers in the same sacred cause, preferring rather to perish in defence of the violated charter of our rights than to live in acquiescence to acts of arbitrary and unconstitutional power. What we have done in this matter is known to government and to the world. It was all in defence of rights, liberties and guaranties that were spurned and trampled upon.

Here, we would ask, what was there in all this to induce a suspicion of our disloyalty to the Constitution? Was it our remaining quiet for more than two years after the passage of the Law of the 6th of April? Was it in declaring for the Constitution, and in hazarding all we held dear in its defence? Would it not have been as easy to have taken advantage of the troubles of the interior, and to have declared, and battled for, independence? Was ever a time more opportune and inviting? Why did we not then declare for independence? Because, in the honest sincerity of our hearts, we assure you, and we call Almighty God to witness the truth of the assertion, that we did not then, that we do not now wish for independence. No! there is not an Anglo-American in Texas whose heart does not beat high for the prosperity of the Mexican Republic; who does not cordially and devoutly pray, that all parts of her territory will remain united to the end of time; and that she will steadily and rapidly advance in arts, and in arms, and in agriculture, and in commerce, and in manufactures, and in learning, and in virtue, and in freedom, and in all that can add to the splendour and happiness of a great nation. As an evidence that we wished not for independence, nor for a coalescence with the United States of the North, your memorialists would respectfully refer your Honorable Bodies to the following fact:

A short time since, it was rumoured amongst us that the President

of the United States of the North, expressed a determination to make the Neches, instead of the Sabine river the line between the two Republics. This hitherto unheard of claim provoked the indignation of every inhabitant of Texas, and our constituents have, with one voice, called upon us to memorialize your Honorable Bodies on the subject of the injustice of such a demand. May it please your Honorable Bodies, your memorialists trust that they have conclusively shown, that the whole tenor of their conduct has been characterized by good order and patriotism.

The destroying influence of the Law of the 6th of April, 1830, upon the prospects of Texas has been only incidentally attended to—that effect of the law being too obvious to require expatiation or argument. This law is, likewise, as injurious to the National Revenue at large as to us individually: for it is evident that the greatness, the power, the wealth, and the independence of a nation depend upon a proper development of its resources. Can the resources of Texas be properly developed with this law hanging over it? We believe not. We believe under such circumstances, it would remain the comparative wilderness it now is.

Experience shows that native Mexicans will not settle in it. But should they do so, it would nothing augment the physical force of the nation; for it would only be taking population from one part of the Republic, to place them in another. Will Europeans settle it? We believe Europeans, of the right description to benefit the country will not—for thousands of reasons. Our hopes then for a development of the resources of Texas are naturally turned to the United States of the North: to a people who have been trained in the school of Republicanism; whose constitutions are adapted to the climate, and who have been brought up to the cultivation of such articles as will always be the staples of Texas. Against them, alone, however, the door is closed; which, we contend, is equally injurious to us, and to the National Revenue. Another point of view in which the Law of the 6th of April is objectionable, and has been productive of numberless difficulties, is this: the garrisons with which all parts of Texas have been lately crowded must have grown out of this law and have been sent here to enforce it. They could not have been sent here for our protection; for when they came we were able to protect ourselves; and at the commencement of the settlements, when we were few, and weak, and scattered, and defenceless, not a garrison—no; not a soldier, came to our assistance. In the presence and vicinity of these garrisons the civil arm has generally been paralized and powerless; for many of the officers were law-despisers, who set the political authorities at defiance, brought them into contempt, and trespassed, in every respect upon the rights and privileges of their fellow-citizens. When all of these things are considered, we cannot but believe, that the former characteristic justice and liberality of your Honorable

Bodies will return to our aid, and bring about an immediate repeal of this, to us, ever to be deprecated measure. That justice, that liberality, we now most respectfully, and solemnly, and unanimously, and confidently invoke.

W. H. WHARTON, Chairman.

CHAPTER XVIII

THE CONVENTION OF 1833

By Stephen F. Austin and David G. Burnet

[The most important work of the Convention which met on April 1, 1833, was to petition the President and Congress of Mexico to separate Texas from Coahuila and allow the people to establish a state government of their own.

The first of the two documents which follow was written by Stephen F. Austin. It was written as a sort of explanation for the calling of the Convention. It points out some of the abuses which the Texans had suffered because of the connection with Coahuila. The worst abuse, as Austin saw it, was the lack of efficient courts and laws.

The second document was written by David G. Burnet, chairman of the committee appointed by the Convention to explain why the Texans wanted a state government.

Austin's statement is published in *The Austin Papers,* II, 934–940. Burnet's petition is in Yoakum, *History of Texas,* I, 469–482. Read in addition, Garrison, *Texas,* Chapter XVI; Barker, *The Life of Stephen F. Austin,* Chapter XIII.]

I. Texan Grievances

By Stephen F. Austin

Gentlemen of the Convention:

The central committee of safety and correspondence which was established by the late convention, and by whose request the present convention has assembled, beg leave to offer their sincere congratulations on your arrival at the theatre where you are to exercise the high and important duties which devolve upon you as the representatives of the people of your several districts.

Believing that your deliberations will be fraught with important results to the interests of our common country, the committee deem it a duty they owe you, as the delegates of the people, to make a brief exposition of the reasons which have operated on them in calling this convention, and in doing this, they wish it to be understood, not as attempting to dictate to this convention the course it should pursue in the least degree, nor to prescribed limits to its action, but to give a satisfactory explanation to you, and through you to the great body of the people of Texas, of the causes which have impelled them to the exercise of this responsible duty.

The situation of Texas is such as to give rise to great anxiety and

even alarm in the heart of every person who inhabits it, or feels any interest for its prosperity or welfare.

The whole of this country, with the exception of the small towns of Bexar and Goliad, has been settled and redeemed from the wilderness within a few years by the enterprise of immigrants who removed to it in consequence of the express and earnest invitation of the government, contained in the national and state colonization laws. Those immigrants have uniformly evinced their gratitude to the government and nation of their adoption for all the acts of kindness and liberality that have been extended towards them, and they have faithfully performed their duty as Mexican citizens, and fulfilled the intention and spirit of the colonization laws, by settling the country, defending it from hostile Indians, or other enemies, and developing its resources, thus giving value and character to a large section of the Mexican territory which was before wild and almost unknown. They have introduced agriculture and the useful arts and commerce, and if, as has been said by a celebrated author, "that man deserves well of his country who makes a blade of grass grow where none grew before," how much more do the people of Texas deserve from their country who have so materially added to the national grandeur, physical force and resources. The people of Texas ought therefore to rely with confidence on the government for protection, and to expect that an adequate remedy will be applied to the many evils that are afflicting them.

The invitations in virtue of which they came here, and the guarantees of the constitution and laws, evidently contain a pledge on the part of the government that they should be governed in accordance with the spirit of the free political institutions of the Mexican republic, and in the manner best adapted to the local situation and necessities of Texas. The *right* of the people of Texas to represent their wants to the government, and to explain in a respectful manner the remedies that will relieve them, cannot therefore be doubted or questioned. It is not merely a right, it is also a sacred and bounden duty which they owe to themselves and to the whole Mexican nation, for should evils of great and desolating magnitude fall upon Texas for the want of competent remedies, the people here would have cause to accuse themselves of neglect for not making an effort to procure such remedies, and the government would also have cause to complain that a full and frank and timely representation had not been made and a remedy solicited.

It is very evident that these considerations have influenced the people of Texas in all they have done up to the present time. They have been governed by the desire to do their duty faithfully to the Mexican nation and to themselves. In the discharge of this duty the people and civil authorities of Austin's Colony made a respectful and humble petition to the general and state governments on the 18 day of Feby 1832, setting forth the evils that were afflicting this country.

The inhabitants and civil authorities of Bexar, the ancient and present capital of Texas, also made a very able and energetic representation on the same subject on the 19th of December last. Numerous other representations have been made at various times by all the ayuntamientos of Texas, and on the first of October last delegates of the people of Texas met in convention at this town and unanimously resolved that it was expedient that the political union between Coahuila and Texas should be dissolved and that Texas should be organized as a separate state of the Mexican confederation as soon as the approbation of the general government to that effect could be obtained. That convention accordingly memorialised congress on the subject, and elected an agent to go to Mexico in order to forward the views of the people of Texas in obtaining the sanction of the general government. But the continuation of the intestine commotions which have raged within the bosom of the Mexican republic for more than twelve months past, and which threatened a total overthrow of the established institutions of the country, prevented the memorial from being presented in accordance with the intentions of the October convention.

That convention adopted many other memorials and resolutions, amongst the most important of which was the provisional organization of the militia, as a precaution against contemplated attacks upon our exposed frontier by the many tribes of hostile Indians who inhabit the northern and western parts of Texas; and the establishment of the central and sub-committees of safety and correspondence throughout the country, all of which were rendered inoperative by the decree of the governor of the state of Coahuila and Texas, who declared the proceedings of the convention null and void and ordered the several committees to dissolve.

At the time when this committee determined to convoke the present convention, they took an impartial survey of our federal relations and of our local affairs.

They beheld the Mexican confederation torn and broken asunder by political parties, each of which sustained its pretensions to the supreme executive power of the nation by force of arms. Civil war raged in every part of the Mexican territory, and in looking upon the face of the nation nothing was to be seen but confusion and bloody discord—Brother contending with brother in deadly strife for mastery in political power. They saw that the constitution of the republic, that instrument which they had been taught to look upon as the sacred charter of their liberties, was alternately violated and set aside by all parties, and that all the constitutional guarantees were merged for the time being in military power. They saw the constitutional period for the election of President and Vice-President of the nation and of members of Congress pass by, and at least one-third of the states refuse or neglect to hold the elections. The future

presented the gloomy prospect that the days of constitutional freedom had been numbered to the Mexicans, and that we should ere long see the waves of anarchy and confusion close forever over the wreck of that Mexican republic. The disorganization of the government was so extreme that even the leaders of the liberal party who have been contending for the restoration of constitutional liberty, and whose cause was espoused by the people of Texas, and generously defended with their blood and treasure, found themselves compelled to lay aside all the established forms, and to renovate the constitution by violent and unconstitutional means.

The committee turned from this view of our national affairs to that of the local internal situation of Texas which has not materially changed since the last convention. The political system under which Texas has heretofore been governed, tends to check the growth of the country, and to produce confusion and insecurity, rather than to extened protection to lives, liberty, and property. The unnatural annexation of what was formerly the province of Texas to Coahuila, by the constituent congress of the Mexican nation, has forced upon the people of Texas a system of laws which they do not understand and which cannot be administered so as to suit their condition or to supply their wants.

The alcaldes who are the highest judicial officers in Texas and have unlimited jurisdiction in all cases, are elected annually by the people, and those who are ignorant and corrupt and without responsibility are as liable to be chosen as the wise, the virtuous and the responsible. This remark is justified by the fact that the office is without emolument and is extremely burdensome, and will therefore seldom be sought by those who are best qualified to fill it.

In all civil cases there is an appeal to the supreme tribunal of the state at Saltillo, a distance of near seven hundred miles from the inhabited parts of Texas. There are but few men in Texas who are qualified to prepare cases for the supreme court, and when appeals have been taken they have generally been sent back several times to be reformed so that decisions in such cases are seldom had. It has become proverbial in Texas, that an appeal to Saltillo is a payment of the debt. It amounts to a total denial of justice, especially to the poor, and this is the frail tenure by which the most important rights of the people of Texas are suspended.

The manner of trying culprits for high criminal offences is such that it amounts to no trial at all. The trial by jury is not sanctioned by law, and the rights of the accused are committed to an alcalde who is ignorant of the formulas of the laws and of the language in which they are written, who prepares the cause for the judgment of the supreme tribunal in Saltillo. Thus the lives, liberty and honor of the accused are suspended upon the tardy decision of a distant tribunal which knows not nor cares for his suffering, and the rights of the

community to bring offenders to speedy and exemplary punishment are sacrificed to forms equally uncertain and unknown.

The formula required by law in the prosecution of criminals is so difficult to be pursued that most of the courts in Texas have long since ceased to attempt its execution. The trial by jury has been attempted in some of the municipalities, but, being unsupported by the sanction of law, it also has failed of success. A total interregnum in the administration of justice in criminal cases may be said to exist. A total disregard of the laws has become so prevalent, both amongst the officers of justice and the people at large, that reverence for laws or for those who administer them has almost entirely disappeared, and contempt is fast assuming its place, so that the protection of our property, our persons, and lives is circumscribed almost exclusively to the moral honesty or virtue of our neighbors.

The people and authorities of Bexar in their representation in December last, speaking of the judiciary system in Texas, use the following strong and conclusive language:

"In the judiciary department there never has been any adequate organization and it may be said with just cause that in this department there is not and never has been any government in Texas."

Besides the evils which menace Texas for the want of a judiciary, there are others of no less appalling effects. This country is in danger of being inundated by bands of northern Indians who are removing from the east side of the Mississippi to Arkansas on our borders. Also the Comanche, Tahuacana and other tribes of native Texas Indians have recently become hostile and are committing depredations on the frontiers. But [it] is unnecessary to enter into details—enough is said in the representation of Bexar by the declaration that there is not and never has been any adequate government in Texas.

Judging from the past, it must be considered a vain hope to look to the state government of Coahuila and Texas for a redress of grievances, or a remedy of wrongs. We have twice beheld the mortifying spectacle of the corrupt mob of the capital driving the legislature by force to adopt measures, unconstitutional in themselves, insulting to the inhabitants of Texas, and disregardful of their rights. The general neglect of the state Legislature of all the important interests and rights of Texas and their repeated violations of the constitution are very clearly and energetically set forth in the Bexar remonstrance of last December. There seems to be no cause to expect any favourable change towards Texas in the politics of Coahuila.

But even supposing there were, the legislature that would suit Coahuila would be pernicious in Texas. No organization can be devised under the constitution of the State of Coahuila and Texas that would suit the two extremes, separated as they are, more than four hundred leagues, a great part through a wilderness that cannot be passed without imminent danger from hostile Indians. The dis-

similarity of habits, occupation, and language also presents still greater difficulties than the distance. These difficulties are hard to reconcile for the reason that the state constitution requires that all general laws shall be the same throughout the whole state. There cannot therefore be any organization of the judiciary for Texas materially different from that of Coahuila.

In this state of things the committee considered themselves bound by a solemn duty to call on the people of Texas through their representatives to meet in general convention with full powers to deliberate on the present distracted situation of our infant country and to adopt such constitutional measures as in their wisdom they may deem necessary. In exercising this highly responsible duty the committee did not act unadvisedly or without the most mature deliberation, and they did not call this convention until they were satisfied that a large majority of the people of Texas were in favor of applying for a well organized state government as the only remedy for existing evils.

The law of the constituent Congress of 7 May, 1824, evidently contemplates that Texas should form a separate state. The 2d article of that law is in the following words as translated: "Coahuila and Texas shall also form another state, but so soon as the latter is in a situation to figure as a separate state, it shall inform Congress thereof for its resolution."

The right which this law confers upon the people of Texas to inform Congress when they are in a situation to figure as a state, and to apply for admission into the Union, is certainly very clear and unequivocal.

What method may be the best to obtain a remedy for the many evils which afflict Texas, can only be determined by the wisdom of the convention. Trusting that your deliberations will be conducted with that zeal for the public welfare which the common good of our adopted country requires and that they will tend to that happy issue which all so confidently anticipate, the central committee take leave of the convention by depositing the power which they have exercised for a time in the hands of those who gave it.

The Petition of the Convention for Judiciary Reform

By David G. Burnet

[*The Legal Right of Texas to Have a State Government*]

Memorial of the Texan Convention of April, 1833, to the General Congress of the United Mexican States:

The inhabitants of Texas, by their representatives elect, in convention assembled, would respectfully approach the national Congress, and present this their memorial, praying that the union which was established between Coahuila and Texas, whereby the two ancient

provinces were incorporated into one free and independent state, under the name of "COAHUILA AND TEXAS," may be dissolved, abrogated, and perpetually cease; and that the inhabitants of Texas may be authorized to institute and establish a separate state government, which will be in accordance with the federal constitution and the constitutive act; and that the state so constituted shall be received and incorporated into the great confederation of Mexico, on terms of equality with the other states of the Union.

To explain the grounds of this application, your memorialists would respectfully invite the attention of the general Congress to the following considerations:

The consolidation of the late provinces of Coahuila and Texas was, in its nature, provisional, and, in its intention, temporary. The decree of the sovereign constituent Congress, bearing date the 7th of May, 1824, contemplates a separation, and guarantees to Texas the right of having a state government whenever she may be in a condition to ask for the same. That decree provides that, "so soon as Texas shall be in a condition to figure as a state of itself, it shall inform Congress thereof, for its resolution." The implication conveyed by this clause is plain and imperative; and vests in Texas as perfect a right as language can convey, unless it can be presumed that the sovereign constituent Congress, composed of the venerable fathers of the republic, designed to amuse the good people of Texas by an illusory and disingenuous promise, clothed in all the solemnity of a legislative enactment. . . .

[*The Right to Petition for Reforms*]

The general Congress may possibly consider the mode of this communication as informal. To this suggestion we would, with great deference, reply, that the events of the past year have not only violated the established forms and etiquette of the government, but have suspended, at least, its vital functions; and it would appear exceedingly rigorous to exact from the inhabitants of Texas, living on a remote frontier of the republic, a minute conformity to unimportant punctilios. The ardent desire of the people is made known to the Congress through their select representatives, the most direct and unequivocal medium by which they can possibly be conveyed; and surely the enlightened Congress will readily concur with us in the sentiment that the wishes and wants of the people form the best rule for legislative guidance.

The people of Texas consider it not only an absolute right, but a most sacred and imperative duty to themselves, and to the Mexican nation, to represent their wants in a respectful manner to the general government, and to solicit the best remedy of which the nature of their grievances will admit. Should they utterly fail in this duty, and great and irremediable evils ensue, the people would have reason to reproach

themselves alone; and the general Congress, in whom the remedial power resides, would also have reason to censure their supineness and want of fidelity to the nation. Under this view, we trust the Congress will not regard with excessive severity any slight departure which the good people of Texas may in this instance have made from the ordinary formalities of the government. . . .

[*Abuses which Texas Suffers through Union with Coahuila*]

The obvious design of the union between Coahulia and Texas was, on one part at least, the more effectually to secure the peace, safety, and happiness, of Texas. That design has not been accomplished, and facts piled upon facts afford a melancholy evidence that it is utterly impracticable. Texas never has and never can derive from the connection benefits in any wise commensurate with the evils she has sustained, and which are daily increasing in number and in magnitude.

But our reasons for the proposed separation are more explicitly set forth in the subjoined remarks. . . . The two territories are disjunct in all their prominent respective relations.

In point of locality, they approximate only by a strip of sterile and useless territory, which must long remain a comparative wilderness, and present many serious embarrassments to that facility of intercourse which should always exist between the seat of government and its remote population.

In respect to commerce and its various intricate relations, there is no community of interests between them. The one is altogether *interior;* is consequently abstracted from all participation in maritime concerns; and is naturally indifferent, if not adverse, to any system of polity that is calculated to promote the diversified and momentous interests of commerce. The other is blest with many natural advantages for extensive commercial operations, which, if properly cultivated, would render many valuable accessions to the national marine, and a large increase to the national revenues. The importance of an efficient national marine is evinced, not only by the history of other and older governments, but by the rich halo of glory which encircles the brief annals of the Mexican navy.

In point of climate and of natural productions, the two territories are equally dissimilar. Coahuila is a pastoral and a mining country; Texas is characteristically an agricultural district. The occupations incident to these various intrinsic properties are equally various and distinct; and a course of legislation that may be adapted to the encouragement of the habitual industry of the one district, might present only embarrassment and perplexity, and prove fatally deleterious to the prosperity of the other.

It is not needful, therefore—neither do we desire—to attribute any sinister or invidious design to the legislative enactments or to

the domestic economical policy of Coahuila (whose ascendency in the joint councils of the state gives her an uncontrolled and exclusive power of legislation), in order to ascertain the origin of the evils that affect Texas, and which, if permitted to exist, must protract her feeble and dependent pupilage to a period coeval with such existence. Neither is it important to Texas whether those evils have proceeded from a sinister policy in the predominant influences of Coahuila, or whether they are the natural results of a union that is naturally adverse to her interests. The effects are equally repugnant and injurious, whether emanating from the one or the other source.

Bexar, the ancient capital of Texas, presents a faithful but a gloomy picture of her general want of protection and encouragement. Situated in a fertile, picturesque, and healthful region, and established a century and a half ago (within which period populous and magnificent cities have sprung into existence), she exhibits only the decrepitude of age—sad testimonials of the absence of that political guardianship which a wise government should always bestow upon the feebleness of its exposed frontier settlements. A hundred and seventeen years have elapsed since Goliad and Nacogdoches assumed the distinctive name of towns, and they are still entitled only to the diminutive appellation of villages. Other military and missionary establishments have been attempted, but, from the same defect of protection and encouragement, they have been swept away, and scarcely a vestige remains to rescue their locations from oblivion.

We do not mean to attribute these specific disasters to the union with Coahuila, for we know they transpired long anterior to the consummation of that union. But we do maintain that the same political causes, the same want of protection and encouragement, the same mal-organization and impotency of the local and minor faculties of the government, the same improvident indifference to the peculiar and vital interests of Texas, exist *now* that operated then. Bexar is still exposed to the depredations of her ancient enemies, the insolent, vindictive, and faithless Comanches. Her citizens are still massacred, their cattle destroyed or driven away, and their very habitations threatened, by a tribe of erratic and undisciplined Indians, whose audacity has derived confidence from success, and whose long-continued aggressions have invested them with a fictitious and excessive terror. Her schools are neglected, her churches desolate, the sounds of human industry are almost hushed, and the voice of gladness and festivity is converted into wailing and lamentation, by the disheartening and multiplied evils which surround her defenseless population. Goliad is still kept in constant trepidation; is paralyzed in all her efforts for improvement; and is harassed on all her borders by the predatory incursions of the Wacoes, and other insignificant bands of savages, whom a well-organized local government would soon subdue and exterminate.

These are facts, not of history merely, on which the imagination must dwell with an unwilling melancholy, but they are events of the present day, which the present generation feel in all their dreadful reality. And these facts, revolting as they are, are as a fraction only in the stupendous aggregate of our calamities. Our misfortunes do not proceed from Indian depredations alone; neither are they confined to a few isolated, impoverished, and almost-tenantless towns. They pervade the whole territory—operate upon the whole population—and are as diversified in character as our public interests and necessities are various.

Texas at large feels and deplores an utter destitution of the common benefits which have usually accrued from the worst system of internal government that the patience of mankind ever tolerated. She is virtually without a *government;* and if she is not precipitated into all the unspeakable horrors of anarchy, it is only because there is a redeeming spirit among the people, which still infuses some moral energy into the miserable fragments of authority that exist among us.

We are perfectly sensible that a large portion of our population, usually denominated "the colonists," and composed of Anglo-Americans, have been greatly calumniated before the Mexican government. But could the honorable Congress scrutinize strictly into our real condition—could they see and understand the wretched confusion in all the elements of government, which we daily feel and deplore—our ears would no longer be insulted, nor our feelings mortified, by the artful fictions of hireling emissaries from abroad, nor by the malignant aspersions of disappointed military commandants at home.

Our grievances do not so much result from any positive misfeasance on the part of the present state authorities. . . . We complain more of the *want* of *all* the important attributes of government, than of the abuses of any. . . .

It is equally obvious that the happiness of the people is more likely to be secured by a local than by a remote government. In the one case, the governors are partakers, in common with the governed, in all the political evils which result to the community, and have therefore a personal interest in so discharging their respective functions as will best secure the common welfare. In the other supposition, those vested with authority are measurably exempt from the calamities that ensue [upon] an abuse of power, and may very conveniently subserve their own interests and ambition, while they neglect or destroy "the welfare of the associated."

[*How a State Government Would Benefit Texas*]

But, independent of these general truths, there are some impressive reasons why the peace and happiness of Texas demand a local government. Constituting a remote frontier of the republic, and bordering on a powerful nation, a portion of whose population, in

juxtaposition to hers, is notoriously profligate and lawless, she requires, in a peculiar and emphatic sense, the vigorous application of such laws as are necessary, not only to the preservation of good order, the protection of property, and the redress of personal wrongs, but such also as are essential to the prevention of illicit commerce, to the security of the public revenues, and to the avoidance of serious collision with the authorities of the neighboring republic. That such a judicial administration is impracticable under the present arrangement, is too forcibly illustrated by the past to admit of any national hope for the future.

It is an acknowledged principle in the science of jurisprudence, that the prompt and certain infliction of mild and humane punishment is more efficacious for the prevention of crime than a tardy and precarious administration of the most sanguinary penal code. Texas is virtually denied the benefit of this benevolent rule by the locality and the character of her present government. Crimes of the greatest atrocity may go unpunished, and hardened criminals triumph in their iniquity, because of the difficulties and delays which encumber her judicial system, and necessarily intervene [between] a trial and conviction, and the sentence and the execution of the law.

Our "supreme tribunal of justice" holds its sessions upward of seven hundred miles distant from our central population; and that distance is greatly enlarged, and sometimes made impassable, by the casualities incident to a *"mail"* conducted by a single horseman through a wilderness, often infested by vagrant and murderous Indians. Before sentence can be pronounced by the local courts on persons charged with the most atrocious crimes, a copy of the process must be transmitted to an assessor, resident at Leona Vicario (Saltillo), who is too far removed from the scene of guilt to appreciate the importance of a speedy decision, and is too much estranged from our civil and domestic concerns to feel the miseries that result from a total want of legal protection in person and property. But our difficulties do not terminate here. After the assessor shall have found leisure to render his opinion, and final judgment is pronounced, it again becomes necessary to resort to the capital to submit the tardy sentence to the supreme tribunal for "approbation, revocation, or modification," before the judgment of the law can be executed. Here we have again to encounter the vexations and delays incident to all governments where those who exercise its most interesting functions are removed by distance from the people on whom they operate, and for whose benefit the social compact is created.

These repeated delays, resulting from the remoteness of our courts of judicature, are pernicious in many respects. They involve heavy expenses, which, in civil suits, are excessively onerous to litigants, and give to the rich and influential such manifold advantages over the poor as operate to an absolute exclusion of the latter from the remedial

and protective benefits of the law. They offer seductive opportunities and incitements to bribery and corruption, and endanger the sacred purity of the judiciary, which, of all the branches of the government, is most intimately associated with the domestic and social happiness of man, and should therefore be, not only sound and pure, but unsuspected of the venal infection. They present insuperable difficulties to the exercise of the corrective right of recusation, and virtually nullify the constitutional power of impeachment. In criminal actions they are no less injurious. They are equivalent to a license to iniquity, and exert a dangerous influence on the moral feelings at large. Before the tedious process of the law can be complied with, and the criminal—whose hands are perhaps imbrued in a brother's blood—be made to feel its retributive justice, the remembrance of his crime is partially effaced from the public mind; and the righteous arbitrament of the law, which, if promptly executed, would have received universal approbation, and been a salutary warning to evil-doers, is impugned as vindictive and cruel. The popular feeling is changed from a just indignation of crime into an amiable but mistaken sympathy for the criminal; and an easy and natural transition is converted into disgust and disaffection toward the government and its laws.

These are some of the evils that result from the annexation of Texas to Coahuila, and the exercise of legislative and judicial powers by the citizens of Coahuila over the citizens of Texas. The catalogue might be greatly enlarged, but we forbear to trespass on the time of the honorable Congress (confiding to the worthy citizens, who shall be charged with the high duty of presenting this memorial, and the protocol of a constitution, which the people of Texas have framed, as the basis of their future government, the more explicit enunciation of them). Those evils are not likely to be diminished, but they may be exceedingly aggravated by the fact that that political connection was formed without the cordial approbation of the people of Texas, and is daily becoming more odious to them. Although it may have received their reluctant acquiescence, in its inception, before its evil consequences were developed or foreseen, the arbitrary continuance of it now, after the experience of nine years has demonstrated its ruinous tendencies, would invest it with some of the most offensive features of usurpation. Your memorialists entertain an assured confidence that the enlightened Congress of Mexico will never give their high sanction to anything that wears the semblance of usurpation, or of arbitrary coercion.

[*A Territorial Government Would Not Satisfy Texas*]

The idea may possibly occur, in the deliberations of the honorable Congress, that a territorial organization would cure our political maladies, and effectuate the great purposes which induce this applica-

tion; and plausible reasons may be advanced in favor of it. But the wisdom of Congress will readily detect the fallacy of these reasons, and the mischief consequent to such vain sophistry. In this remote section of the republic, a territorial government must, of necessity, be divested of one essential and radical principle in all popular institutions—the immediate responsibility of public agents to the people whom they serve. The appointments to office would, in such case, be vested in the general government; and although such appointments should be made with the utmost circumspection, the persons appointed, when once arrayed in the habiliments of office, would be too far removed from the appointing power to feel the restraints of a vigilant supervision and a direct accountability. The dearest rights of the people might be violated, the public treasures squandered, and every variety of imposition and iniquity practiced, under the specious pretext of political necessity, which the far-distant government could neither detect nor control.

And we would further present with great deference, that the institution of a territorial government would confer upon us neither the form nor the substance of our high guaranty. It would, indeed, diversify our miseries, by opening new avenues to peculation and abuse of power; but it would neither remove our difficulties nor place us in the enjoyment of our equal and vested rights. The only adequate remedy that your memorialists can devise, and which they ardently hope the collective wisdom of the nation will approve, is to be found in the establishment of a *local state government.*

We believe that if Texas were endowed with the faculties of a state government, she would be competent to remedy the many evils that now depress her energies, and frustrate every effort to develop and bring into usefulness the natural resources which a beneficent Providence has conferred upon her.

We believe that a local legislature, composed of citizens who feel and participate in all the calamities which encompass us, would be enabled to enact such conservative, remedial, and punitive laws, and so to organize and put into operation the municipal and inferior authorities of the country, as would inspire universal confidence; would encourage the immigration of virtuous foreigners—prevent the ingress of fugitives from the justice of other countries—check the alarming accumulations of ferocious Indians, whom the domestic policy of the United States of the North is rapidly translating to our borders; would give impulse and vigor to the industry of the people —secure a cheerful subordination and a faithful adhesion to the state and general governments; and would render Texas what she ought to be—a strong arm of the republic, a terror to foreign invaders, and an example of peace and prosperity—of advancement in the arts and sciences, and of devotion to the Union—to her sister-states.

We believe that an executive chosen from among ourselves would

feel a more intense interest in our political welfare, would watch with more vigilance over our social concerns, and would contribute more effectually to the purposes of his appointment.

We believe that a local judiciary, drawn from the bosom of our own peculiar society, would be enabled to administer the laws with more energy and promptitude—to punish the disobedient and refractory—to restrain the viciousness of the wicked—to impart confidence and security, of both person and property, to peaceable citizens—to conserve and perpetuate the general tranquillity of the state—and to render a more efficient aid to the coordinate powers of the government, in carrying into effect the great objects of its institution.

We believe that, if Texas were admitted to the Union as a separate state, she would soon "figure" as a brilliant star in the Mexican constellation, and would shed a new splendor around the illustrious city of Montezuma. We believe she would contribute largely to the national wealth and aggrandizement—would furnish new staples for commerce, and new materials for manufactures. The cotton of Texas would give employment to the artisans of Mexico; and the precious metals, which are now flowing into the coffers of England, would be retained at home, to reward the industry and remunerate the ingenuity of native citizens.

The honorable Congress need not be informed that a large portion of the population of Texas is of foreign origin. They have been invited here by the munificent liberality and plighted faith of the Mexican government; and they stand pledged by every moral and religious principle, and by every sentiment of honor, to requite that liberality, and to reciprocate the faithful performance of the guaranty to "protect their liberties, property, and civil rights," by a cheerful dedication of their moral and physical energies to the advancement of their adopted country. But it is also apparent to the intelligence of the honorable Congress that the best mode of securing the permanent attachment of such a population is to incorporate them into the federal system on such equitable terms as will redress every grievance, remove every cause of complaint, and insure, not only an identity of interests, but an eventual blending and assimilation of all that is now foreign and incongruous. . . .

[*We Beg for Relief*]

For these and other considerations, your memorialists would solenmly invoke the magnanimous spirit of the Mexican nation, concentrated in the wisdom and patriotism of the federal Congress. And they would respectfully and ardently pray that the honorable Congress would extend their remedial power to this obscure section of the republic; would cast around it "the sovereign mantle of the nation," and adopt it into a free and plenary participation of that "constitu-

tional *régime*" of equal sisterhood which alone can rescue it from the miseries of an ill-organized, inefficient, internal government, and can reclaim this fair and fertile region from the worthlessness of an untenanted waste, or the more fearful horrors of barbarian inundation.

DAVID G. BURNET, *Chairman of the Committee.*

CHAPTER XIX

ON THE NECESSITY OF A CONSULTATION

By Stephen F. Austin

[This speech is from *The Austin Papers,* III, 116–119. Austin had just returned to Texas after an absence of twenty-eight months in Mexico, of which more than sixteen months were spent in prison or under bond. It gives Austin's opinion of Mexican politics and expresses his conviction that a consultation or convention is necessary.

The letter which follows Austin's speech was written by Henry Austin to his sister, Mrs. M. A. Holley. Henry Austin and Mrs. Holley were cousins of Stephen F. Austin.]

Speech of Colonel Austin, delivered on the 8th of September, 1835, at a public dinner in Brazoria, given in honor of his return to Texas

I cannot refrain from returning my unfeigned thanks for the flattering sentiments with which I have just been honored, nor have I words to express my satisfaction on returning to this my more than native country, and meeting so many of my friends and companions in its settlement.

I left Texas in April, 1833, as the public agent of the people, for the purpose of applying for the admission of this country into the Mexican confederation as a state separate from Coahuila. This application was based upon the constitutional and vested rights of Texas, and was sustained by me in the city of Mexico to the utmost of my abilities. No honorable means were spared to effect the objects of my mission and to oppose the forming of Texas into a territory, which was attempted. I rigidly adhered to the instructions and wishes of my constituents, so far as they were communicated to me. My efforts to serve Texas involved me in the labyrinth of Mexican politics. I was arrested, and have suffered a long persecution and imprisonment. I consider it my duty to give an account of these events to my constituents, and will therefore at this time merely observe that I have never, in any manner, agreed to anything, or admitted anything, that would compromise the constitutional or vested rights of Texas. These rights belong to the people, and can only be surrendered by them.

I fully hoped to have found Texas at peace and in tranquillity, but regret to find it in commotion; all disorganized, all in anarchy, and threatened with immediate hostilities. This state of things is deeply to be lamented; it is a great misfortune, but it is one which

has not been produced by any acts of the people of this country: on the contrary, it is the natural and inevitable consequence of the revolution that has spread all over Mexico, and of the imprudent and impolitic measures of both the general and state governments, with respect to Texas. The people here are not to blame, and cannot be justly censured. They are farmers, cultivators of the soil, and are pacific from interest, from occupation, and from inclination. They have uniformly endeavored to sustain the constitution and the public peace by pacific means, and have never deviated from their duty as Mexican citizens. If any acts of imprudence have been committed by individuals, they evidently resulted from the revolutionary state of the whole nation, the imprudent and censurable conduct of the state authorities, and the total want of a local government in Texas. It is, indeed, a source of surprise and creditable congratulation, that so few acts of this description have occurred under the peculiar circumstances of the times. It is, however, to be remembreed that acts of this nature were not the acts of the people, nor is Texas responsible for them. They were, as I before observed, the natural consequences of the revolutionary state of the Mexican nation; and Texas certainly did not originate the revolution, neither have the people, as a people, participated in it. The consciences and hands of the Texians are free from censure, and clean.

The revolution in Mexico is drawing to a close. The object is to change the form of government, destroy the federal constitution of 1824, and establish a central or consolidated government. The states are to be converted into provinces.

Whether the people of Texas ought or ought not to agree to this change, and relinquish all or a part of their constitutional and vested rights under the constitution of 1824, is a question of the most vital importance; one that calls for the deliberate consideration of the people, and can only be decided by them, fairly convened for the purpose. As a citizen of Texas I have no other right, and pretend to no other. In the report which I consider it my duty to make to my constituents, I intend to give my views on the present situation of the country, and especially as to the constitutional and natural rights of Texas, and will, therefore, at this time, merely touch this subject.

Under the Spanish government, Texas was a separate and distinct local organization. It was one of the unities that composed the general mass of the nation, and as such participated in the war of the revolution, and was represented in the constituent congress of Mexico, that formed the constitution of 1824. This constituent congress, so far from destroying this unity, expressly recognized and confirmed it by the law of May 7, 1824, which united Texas with Coahuila *provisionally,* under the especial guarantee of being made a state of the Mexican confederation, as soon as it possessed the necessary elements. That law and the federal constitution gave to Texas a specific political

existence, and vested in its inhabitants special and defined rights, which can only be relinquished by the people of Texas, acting for themselves as a unity, and not as a part of Coahuila, for the reason that the union with Coahuila, was *limited,* and only gave power to the state of Coahuila and Texas to govern Texas for the time being, but *always subject to the vested rights of Texas.* The state, therefore, cannot relinquish those vested rights, by agreeing to the change of government, or by any other act, unless expressly authorized by the people of Texas to do so; neither can the general government of Mexico legally deprive Texas of them without the consent of this people. These are my opinions.

An important question now presents itself to the people of this country.

The federal constitution of 1824 is about to be destroyed, the system of government changed, and a central or consolidated one established. Will this act annihilate all the rights of Texas, and subject this country to the uncontrolled and unlimited dictation of the new government?

This is a subject of the most vital importance. I have no doubts the federal constitution will be destroyed, and a central government established, and that the people will soon be called upon to say whether they agree to this change or not. This matter requires the most calm discussion, the most mature deliberation, and the most perfect union. How is this to be had? I see but one way, and that is by a general consultation of the people by means of delegates elected for that purpose, with full powers to give such an answer, in the name of Texas, to this question, as they may deem best, and to adopt such measures as the tranquillity and salvation of the country may require.

It is my duty to state that General Santa Anna verbally and expressly authorized me to say to the people of Texas, that he was their friend, that he wished for their prosperity, and would do all he could to promote it; and that, in the new constitution, he would use his influence to give to the people of Texas a special organization, suited to their education, habits, and situation. Several of the most intelligent and influential men in Mexico, and especially the Ministers of Relations and War, expressed themselves in the same manner. These declarations afford another and more urgent necessity for a general consultation of all Texas, in order to inform the general government, and especially General Santa Anna, what kind of organization will suit the education, habits, and situation of this people.

It is also proper for me to state that, in all my conversation with the president and ministers and men of influence, I advised that no troops should be sent to Texas, and no cruisers along the coast. I gave it as my decided opinion, that the inevitable consequence of sending an armed force to this country would be war. I stated that there was a sound and correct moral principle in the people of Texas,

that was abundantly sufficient to restrain or put down all turbulent or seditious movements, but that this moral principle could not, and would not unite with any armed force sent against this country; on the contrary, it would resist and repel it, and ought to do so. This point presents another strong reason why the people of Texas should meet in general consultation. This country is now in anarchy, threatened with hostilities; armed vessels are capturing everything they can catch on the coast, and acts of piracy are said to be committed under cover of the Mexican flag. Can this state of things exist without precipitating the country into a war? I think it cannot, and therefore believe that it is our bounden and solemn duty as Mexicans, and as Texians, to represent the evils that are likely to result from this mistaken and most impolitic policy in the military movement.

My friends, I can truly say that no one has been, or is now, more anxious than myself to keep trouble away from this country. No one has been, or now is more faithful to his duty as a Mexican citizen, and no one has personally sacrificed or suffered more in the discharge of this duty. I have uniformly been opposed to have anything to do with the family political quarrels of the Mexicans. Texas needs peace, and a local government: its inhabitants are farmers, and they need a calm and quiet life. But how can I, or any one, remain indifferent, when our rights, our all, appear to be in jeopardy, and when it is our duty, as well as our obligation as good Mexican citizens, to express our opinions on the present state of things, and to represent our situation to the government? It is impossible. The crisis is such as to bring it home to the judgment of every man that something must be done, and that without delay. The question will perhaps be asked, what are we to do? I have already indicated my opinion. Let all personalities, or divisions, or excitements, or passion, or violence, be banished from among us. Let a general consultation of the people of Texas be convened as speedily as possible, to be composed of the best, and most calm, and intelligent, and firm men in the country, and let them decide what representations ought to be made to the general government, and what ought to be done in future.

With these explanatory remarks I will give a toast—*The constitutional rights and the security and peace of Texas—they ought to be maintained; and jeopardized as they now are, they demand a general consultation of the people.*

Brasoria, 10 Sept., 1835.

My dear Sister:

Stephen has at last arrived. I rode all night through the swamp and rain to meet him at Perry's. His arrival unites all parties. We, the Republicans, have striven hard to keep all quiet until his arrival with certain intelligence of the movements and intentions of the Mexican Government, and thanks be to God have succeeded with the exception of a few acts of the War party, not compromising the whole people.

Now we meet on middle grounds. Strict Republican Principles. That is, to stand upon our constitutional and vested rights—reject the Centralismo Plan if offered to us, and if they send a force to fight us to repell force by force. United we have nothing to fear. If compelled to take arms in defence of our republican and natural rights, republican institutions and principles against despotism—that Just, Holy and Omnipotent Judge who ever decides in favor of the righteous cause, will be our sword and our shield and the Texians will be as safe as the Israelites in the land of the Philistines.

With such a cause we shall command the sympathies of our republican friends in the North and of the friends of freedom throughout the world. Should Santa Anna march against us with the Mexican army, the Republicans in the South will rise and make a diversion in our favor.

A Grand Dinner and Ball were got up for the occasion on two days' notice in a manner very creditable to the committee and port—the only thing I did not like was 7$ a head for ball and supper and $30 more for a decent suit of clothes which I had not and could have done without. There were sixty covers and despite the short notice, the table was three times filled by men alone. In the evening the long room was filled to a Jam. At least sixty or eighty ladies who danced the sun up, and the Oyster Creek girls would not have quit then had not the room been wanted for breakfast. You never saw such enthusiasm.

Mrs. Phelps is here with Almira and the two Miss Munsons; they go home today. Stephen left last night to be at San Felipe on the 12th when all the upper world is to be there. I stay to correct the proof sheets of the address and then go to San Felipe to close our land business. Within a year every league will be worth 40,000$. I will write the girls from home. Perhaps in time for this packet. Father's blessing upon his children and sister.

Your Brother.

Say to my dear daughters I found their affectionate letters here on my return from Perry's, have had scarcely time to read, much less answer them. I shall get part of my crop off for N Orleans within six weeks. I order the product to you except so much as may be indispensable to my own wants. At present I have not enough money to buy a good horse and no one sells on credit.

With this you ought to receive the handbill and newspapers giving all particulars.

[Addressed:] Mrs M Austin Holley Lexington Kentucky—Mail.

Recd. Oct. 11, 1835.

CHAPTER XX

THE PROVISIONAL GOVERNMENT DURING THE TEXAS REVOLUTION

By Dudley G. Wooten

[This selection is from Wooten's *A Complete History of Texas for Schools and Colleges* (Dallas, 1899), 197–205. Read also: Garrison, *Texas,* Chapter XVII; Barker, Potts, and Ramsdell, *A School History of Texas,* 108–113; *Quarterly* of the Texas State Historical Association, V, 269–346, VII, 250–278, IX, 227–261, XI, 1–55, XV, 173–185; Barker, *The Austin Papers,* III, 165–300; Barker, *The Life of Stephen F. Austin,* Chapter XVI.]

The Consultation; The Provisional Government; Preparations for War

The General Consultation of all Texas, called to meet for October 16, 1835, did not organize on that day owing to the absence of a quorum, many of the delegates being with the army at Gonzales. The organization was postponed to November 1, and on that date, there still being a number absent, the proceedings were deferred until November 3—Austin's birthday. The general council, or central executive committee, which had been previously formed by the municipalities, had been up to that time the only government for all the colonies, and it had not been able to do much. It had a delicate and difficult question to deal with, in satisfying the Cherokee and Cushatta Indians, who were becoming very restless and even clamorous about their settlements in Eastern Texas. They had built villages and engaged in farming, to some extent, near Nacogdoches and along the Neches and Trinity, and they were anxious to have the titles to their lands confirmed. In a critical moment like this it would not do to incur their hostility, and every effort was made to pacify them. Both Austin and Houston wrote to them in October, 1835, assuring them that their lands and rights would be protected; and they were invited to send a representative to the Consultation.

The council managed to keep up a weekly mail through Texas and to the United States. The *Telegraph* was published weekly by Baker and Borden at San Felipe, and "The Emigrant's Guide" was about starting at Nacogdoches; so that the colonists were kept informed of passing events. The council also appointed Sims Hall army contractor, and Thomas F. McKinney financial agent to contract

a loan of one hundred thousand dollars in New Orleans. These acts were regular and apparently necessary, and the action of the council was afterwards approved by the Consultation.

The Consultation finally met on November 3, fifty-five delegates being present, representing thirteen municipalities. Branch T. Archer was elected president of the body, and a committee was appointed, with John A. Wharton as chairman, to prepare a declaration of the causes which impelled the colonists to take up arms against Mexico; while another committee, of which Henry Millard was chairman, was appointed to draft a plan for a provisional government for Texas. The question of whether the colonists should declare their absolute independence came up and was warmly discussed. Perhaps all the delegates wished for such action and believed it would soon come, but it was not then thought to be prudent and wise to so declare. The motion for a Declaration of Independence was defeated by a vote of fifteen *yeas* to thirty-three *nays*. John A. Wharton led the debate in favor of independence, while D. C. Barrett led the opposition to it. Houston also opposed an immediate declaration of independence. The declaration of grievances reported by the committee and adopted, set forth fully all the despotic and unconstitutional acts of the Mexican government, as they have appeared in the history of the preceding ten years, and declared for the Constitution of 1824. The plan of the provisional government, agreed upon on November 13, provided for the election by the Consultation of a provisional governor and lieutenant-governor, and an advisory council composed of one member from each municipality. Henry Smith was elected governor and James W. Robinson, lieutenant-governor. It was desired to elect Austin provisional governor, but he was with the army at San Antonio, and it was thought that his services would be more valuable as one of the commissioners to the United States, to which position he was appointed, with Branch T. Archer and William H. Wharton. Wharton at first declined, for the reason that he was in favor of declaring the absolute independence of Texas. He argued that anything short of such a declaration would accomplish nothing; that all Mexico would unite against Texas, no matter what was done; and that nothing could be expected from the United States in the way of men, money, or sympathy so long as the colonists occupied the position of a revolted province of Mexico, still claiming allegiance to the Mexican constitution. He was, however, at last prevailed upon to accept the position of commissioner, upon the assurance that what he desired would very soon be accomplished. In December the commissioners set out for the United States.

The Consultation provided for a commander-in-chief of the army, and Sam Houston was elected to that rank, while the organization of a regular army of eleven hundred and twenty men was ordered, and one hundred and fifty *Rangers* on the frontier. A loan of one million

dollars was authorized; all land commissioners were suspended and no further land titles could be issued; the fraudulent and illegal land grants made by the legislature of Coahuila and Texas were declared void; and it was solemnly enacted that the Cherokee and other friendly Indians should be secured in the titles and peaceable possession of their lands in Eastern Texas. The Consultation adjourned on November 14 to meet March 1, 1836, the adjourned meeting to be composed of the same delegates unless the council should order an election for new delegates.

As soon as the provisional government began operations, an unfortunate hostility arose between the governor and the council. It would be a waste of time to undertake to decide who was right in the various controversies that arose, or to enter into the details of their differences. The continual disagreement between Governor Smith and his council paralyzed the government, and prevented the organization of the army for a month. It progressed to the point of the most violent and abusive language on both sides, and finally resulted in the council adopting a resolution deposing the governor, although he still claimed and continued to exercise such authority as he could. The plan of the provisional government provided that the commander of the army should be "subject to the governor and council," but as the latter could never agree among themselves, General Houston was powerless to do anything. The spectacle of this disgraceful controversy disgusted everybody, discouraged the colonists, and well-nigh drove away the sympathy and aid of the outside world. It was but another example of the folly, so often demonstrated in modern times, of placing the military operations of a revolutionary war under the control of a political government.

At last, on December 13, General Houston secured such action from the governor and council as enabled him to proceed to organize a regular army. The council declared that all soldiers in the regular army should receive six hundred and forty acres of land as a bounty, which was afterwards increased to eight hundred acres; all volunteers in the war against Mexico should receive six hundred and forty acres; and all persons who should leave Texas in her then condition forfeited their lands entirely. Houston issued a proclamation, setting forth these inducements and calling for soldiers to enter the service, but the continual conflict in the provisional government greatly retarded all his efforts.

Meanwhile, the sentiment in favor of the declaration of absolute independence from Mexico grew apace among the people. In November and December public meetings were held in Nacogdoches and Brazoria, which adopted resolutions to that effect, and on December 20, at Goliad, ninety-two citizens drew up, adopted, and signed a declaration "that the former province and department of Texas is, and of right ought to be, a free, sovereign, and independent state."

Major Ira Ingram got up this movement, and he was aided by Captain Philip Dimmitt's volunteer company and the citizens of Goliad. Thirty-one out of the ninety-two signers belonged to the Irish colonies of San Patricio and Refugio.

About this time the country was agitated by the scheme of an expedition to capture Matamoros. Dr. James Grant, who owned valuable estates in Northern Mexico, seems to have started this scheme, and it was favored by Colonels Francis W. Johnson and J. W. Fannin. The soldiers were idle and restless, and there was a desire to engage in some sort of desperate enterprise against Mexico. General Houston and Governor Smith were opposed to the expedition, but it seemed impossible to prevent the volunteers who had gathered in the west from taking part in the movement, and to preserve the enthusiasm of the men the Matamoros raid was partially authorized by the commander-in-chief. The council was wholly committed to the expedition, and in January, 1836, it went so far as to ignore General Houston's authority by appointing Johnson and Fannin as agents to raise troops and prosecute an independent warfare on Mexico. This was clearly beyond the powers of the council, amounted to setting aside the general of the regular army, and it led to most serious consequences. All the confusion and disaster that followed in the spring of 1836 were traceable to this Matamoros scheme and the arbitrary action of the council in regard to it. The troops were stationed throughout the western country under separate chiefs, the soldiers were in doubt as to what would be the next move, the officers were involved in controversies with the government and with each other, and what should have been a united and well organized army under one competent commander became a disorganized and discordant force, made up of widely scattered detachments engaged in pushing the individual plans of their several leaders. The fall of the Alamo and the massacre at Goliad were among the terrible results of such a policy.

The financial condition of Texas at this time was very critical. The people were poor and the provisional government had no funds. Private aid came from many sources in and out of the province, Mobile and New Orleans being especially generous in their contributions. The finance committee of the council recommended a system of taxation and customs duties which would provide necessary funds for the future; but what was needed then was money and supplies to conduct the war, and these must be had at once. A public loan was the only remedy, and for the negotiation of this the people looked to their commissioners in the United States.

In November, 1835, Mexico sent two warships, the *Bravo* and the *Montezuma,* to the Texas coast, and began to do great harm to the importation and exportation of merchandise in Texas. In the interior of Mexico extensive preparations were made for the second

invasion to subdue the Texans. A large army was collected at San Luis Potosi in November and December, to be led to Bexar by Santa Anna in person; Urrea was sent to defend Matamoros and to march thence to Goliad; Cos was at Laredo, where he had been joined by Sesma with fifteen hundred fresh troops, so that, unknown to the colonists, the storm was gathering beyond the Rio Grande.

On December 25, 1835, General Houston removed his headquarters to Washington, on the Brazos, where he met two companies of volunteers from Alabama under Colonel Wyatt; while about the same time the famous *Georgia Battalion,* under Major William Ward, arrived at San Felipe. Houston had been industriously trying to concentrate the regular troops at Goliad and Refugio, and the supplies at Copano and Matagorda on the coast. On December 30 he ordered all volunteers to gather at Copano and to remain there for further orders. These dispositions were all upset by the Matamoros excitement in January, and San Antonio was left practically undefended by the departure of men from there to join that expedition. On January 8, General Houston set out for the west, having appointed Colonel Travis chief of the recruiting service, and ordered Colonels T. J. Rusk, J. K. Allen, and A. Horton to report at headquarters. At this time General Houston expressed himself as convinced that absolute independence was the only course for Texas to pursue, and almost at the same date General Austin wrote to Houston from New Orleans, expressing the same conviction.

Houston reached Goliad on January 16, ordered the command of Colonel R. C. Morris to proceed to Refugio, and on the 17th he sent Bowie with thirty men to Colonel Neill at San Antonio, with orders to destroy the fortifications there and retire with the artillery to Goliad, as the position could not be held with the small force then there. Captain Smith was also directed to raise a hundred men and go to San Antonio; it having been learned that a Mexican force of one thousand men were marching on that place. Neill replied that he had no teams to move the cannon, and therefore did not destroy the fortifications. Only eighty men were now left at Bexar, and Governor Smith assumed the authority to remove Travis from his position as recruiting officer, and sent him to San Antonio with a small command. Travis called for men and money. Of the latter there was none, and the former were few to respond in the disordered condition then prevailing.

Meanwhile, the Matamoros expedition was being still nursed by Grant, Fannin, and Johnson, supported by the council, and it operated as a counter-movement to anything attempted by the commander-in-chief. Houston reached Refugio and learned that no supplies had been gathered at Copano, as he had directed. On January 20, Colonel Francis W. Johnson arrived at Refugio and informed General Houston that the council had deposed Governor Smith, and had appointed

Colonel Fannin and himself agents to raise troops and supplies and invade Mexico by taking Matamoros. Houston's conduct was simple and natural. One branch of the provisional government had assumed to destroy the other, thereby practically destroying itself. It had ignored the military organization established by the Consultation, by superseding the commander of the army with independent agents of its own, and all discipline, unity, and intelligence of action were rendered impossible. General Houston at once returned to Washington and reported the facts to Governor Smith.

By a previous order of the council, General Houston, John Forbes, and John Cameron had been appointed to make a treaty with the Cherokee Indians and their associate bands, for the purpose of carrying out the solemn promise made by the Consultation in reference to securing the Indians in the title to their lands. By order of the governor, General Houston was granted a furlough until March 1, and directed to proceed on his mission to the Indians. He and Forbes went to Chief Bowles's village, and, on February 23, 1836, entered into a treaty in accordance with the action of the Consultation. This treaty was never formally ratified by the government of Texas.

Turning now to Mexico, we find Santa Anna at Saltillo in January, 1836, whence, on the 1st of February, he set out for Texas at the head of six thousand men. He reached the Rio Grande on the 12th, and sent General José Urrea to Matamoros, whence the latter, on February 18, marched with about seven hundred men to attack Johnson and Grant at San Patricio, arriving there on the 27th. Santa Anna's generals in this expedition, besides Urrea, were Filisola, Sesma, Gaona, Tolsa, Castrillon, Andrade, Woll, and Cos. Marching from the Rio Grande in February, Santa Anna's army reached the heights of the Alazan, overlooking San Antonio, on the 23d—the spot where the "Republican Army of the North" had so signally routed Elisondo in 1813. The recovery of Bexar by the Mexicans was about to begin. Texas was not well prepared for the ensuing conflict, but her people felt no fear, trusting in the bravery of their men and the justice of their cause. The commissioners to the United States had met with reasonable success. Austin made a great speech in Louisville, Kentucky, which was widely circulated and aroused much sympathy and enthusiasm for the struggling colonists. Colonel William Christy, of New Orleans, was the faithful friend and helper of Texas in this crisis, and by his aid the commissioners secured a loan of two hundred thousand dollars—ten per cent in cash and the balance in instalments—and another cash loan of fifty thousand dollars.

The people at large, however, seemed strangely indifferent to the approaching danger, and it was with the greatest difficulty they could be aroused. This was largely due to the general disgust at the provisional government and its unseemly discords, which continued to paralyze the army and dishearten everybody. In spite of this con-

tinual trouble between the governor and the council, some good measures were adopted, which formed the basis for the subsequent legislative system of the Republic and State. . . .

As a result of the general and growing sentiment in favor of the absolute independence of Texas from Mexico, on December 10, 1835, the council had passed an ordinance providing for an election to be held throughout Texas on February 1, 1836, to select delegates to a general convention to be assembled at Washington on March 1, for the purpose of forming and declaring an independent government for Texas, destined to place her among the sovereign republics of the world. To that declaration and its vindication on the field of battle we have now come.

CHAPTER XXI

THE CAMPAIGN OF 1835

By Ethel Zivley Rather

[This selection is from Ethel Zivley Rather's "DeWitt's Colony," in the *Quarterly* of the Texas State Historical Association, VIII, 149–157. See also: Garrison, *Texas,* Chapter XVII; Barker, Potts, and Ramsdell, *A School History of Texas,* 100–107.]

I. The Battle of Gonzales

The colonists were now no longer in doubt as to Mexico's intentions; consequently, their own attitude was no longer ambiguous. They knew that there were at Bexar eighteen pieces of unmounted cannon besides those mounted, and that this one was not needed there as Ugartechea claimed. They well understood that the only object the Mexicans had in getting possession of it was to disarm such Anglo-Americans as might prove dangerous neighbors. And they quite as clearly foresaw that a refusal to give up the gun would bring the government troops upon them. When they met to consider the answer to make when these troops should come, only three of the citizens were in favor of granting Ugartechea's request.

The people therefore began to prepare for the trouble that they knew would ensue. Those who lived on the west bank of the Guadalupe began to move into Gonzales. The townspeople began to get their wagons ready to move their families out—some east to the Colorado, some only into the woods to hide. Messengers were at once dispatched to various points in Texas for help. The cannon was buried in George W. Davis's peach orchard, and the ground was plowed and smoothed over it.

Finally, on September 26th, while the corporal was still waiting across the river, Andrew Ponton sent by another messenger the following reply to the political chief:

Gonzales Sept 26th 1835

Excellent Sir

I received an order purporting to have come from you for a certain piece of Ordnance which is in this place. It happened that I was absent and so was the remainder part of the Ayuntamiento when your dispatch arrived in consequence the men who bore sd dispatch were necessarily detained untill to day

for an answer. This is a matter of delicasy to me nor do I know without further information how to act this cannon was as I have always been informed given in perpetuity to this Town for its defense against the Indians. The dangers which existed at the time we received this cannon still exist and for the same purposes it is still needed here—our common enemy is still to be dreaded or prepared against.

How or in what manner such arms are appropriated throughout the country I am as yet ignorant but am lead to believe that dispositions of this nature should be permanent at least as long as the procuring cause exists. I must therefore I hope be excused from delivering up the sd cannon untill I have obtained more information on the subject matter At least untill I have an opportunity of consulting the chief of this department on the subject—as well to act without precipitation—as to perform strictly and clearly my duty, and I assure you, that if, after a mature deliberation on the subject, I find it to be my duty & in justice to your self—I obligate my self to comply with your demands—and will without delay send the cannon to you.

God & Liberty—

ANDREW PONTON, *Alcalde.*

As soon as this reply was received, Ugartechea, on September 27, sent Lieutenant Castañeda to Gonzales at the head of one hundred dragoons and bearing letters from himself and the political chief. This time the cannon was demanded. Without awaiting the answer of their own political chief the people were to deliver it at once. Otherwise, Castañeda was to bring the *alcalde* of Gonzales to Béjar as prisoner and to punish all who should offer resistance.

Before Castañeda reached Gonzales, on the 29th, he sent forward two soldiers with these letters, but within three leagues of the place he met the messengers returning without having delivered the letters. They were accompanied by another soldier, Isabel de la Garsa, who had a somewhat disconcerting story to tell. On the day before, at four o'clock in the afternoon, ten or twelve Americans had crossed the river, disarmed Corporal De León and the soldiers, and taken them and the cart drivers into town as prisoners. He himself had escaped by hiding when sent by the Americans for the horses. Nevertheless, Castañeda continued his journey, and within one-eighth of a league from Gonzales he met one of the cart drivers, who had been set at liberty. This man confirmed Garsa's report, adding that for two days reinforcements had been coming into Gonzales; that their number was now about two hundred men, and that more were expected to arrive in the afternoon.

Shortly before hearing this last account, Castañeda had a second time sent forward the two letters together with one of his own asking for an interview with the *alcalde.* The reply came back that the *alcalde* was absent, but that he was expected to return within three hours, when he would send an answer for himself. Castañeda could do nothing but await this answer, for he was prevented by the Americans from fording the river, and the ferryboat and canoes were

on the other side under guard. While he waited he wrote to Ugartechea a detailed report of all that had taken place.

On the morning of the next day Castañeda went to the bank of the river to have his interview with the *alcalde*. There he was met by the *regidor* and told that the *alcalde* was still absent, but that he had been sent for, and would surely return soon. The *regidor* promised that at four o'clock in the afternoon Castañeda might speak with the *alcalde*, or, if the latter were still absent, with himself. At the appointed hour Castañeda returned to the bank of the river where he met the *regidor* and three other men. The *regidor* refused to cross over, as he had promised, but read to Castañeda from across the stream the following communication:

> In the absence of the *alcalde* it has fallen to my lot to reply to the communication sent to him asking a second time for the cannon. . . . The right of consulting with our political chief seems to be denied us. Therefore my reply reduces itself to this: I can not nor do I desire to deliver up the cannon, . . . and this is the sentiment of all the members of the *ayuntamiento* now present. The cannon is in the town, and only through force will we yield. We are weak and few in number, nevertheless we are contending for what we believe to be just principles.

Castañeda replied that they had no right to retain the cannon which had been lent as a favor, and maintained that it was an outrage to keep as prisoners the corporal and soldiers who had come for it. But the *regidor* only repeated the substance of the letter above.

In the afternoon Castañeda learned through a Cosate [Coshatti] Indian who had been in Gonzales that reinforcements were continuing to arrive. It was necessary to do something at once. Hitherto he had been unable to cross the river at the town. He therefore decided that unless he received other orders from Ugartechea he would try to effect a crossing further up the stream. That night he spent in camp on the mound at the DeWitt place, about three hundred yards from the river. The next morning at twelve o'clock he moved up the stream some seven miles and encamped in a very strong position upon Ezekiel Williams's place.

Castañeda had not been misinformed as to the arrival of volunteers in Gonzales. At first there were only eighteen men to defend the town. By the 30th there were between one hundred and fifty and one hundred and sixty, and more were expected to arrive that day. For the immediate emergency they organized with John H. Moore as colonel and J. W. E. Wallace as lieutenant-colonel. The cannon was unearthed and mounted upon a broad-tired ox-wagon by Mr. Darst, Mr. Sowell, Mr. Chisholm and others. Chisholm and Sowell, both of whom were blacksmiths, prepared shot for it by cutting up pieces of chains and forging iron balls out of such scraps as they could procure.

When the Mexicans began to move up the river the Texans, suspecting that their object was either to await reinforcements from Béjar or to ford the river at the crossing fifteen miles above, determined to attack them before either of these plans could materialize. On Thursday night, October 1, at seven o'clock, the Texans, fifty of whom were mounted, crossed the river carrying with them the brass cannon. On the other side of the river they held a council of war, and listened to a "patriotic address" by Rev. W. P. Smith, a Methodist preacher from Rutersville. They then marched up the river, and at about four o'clock in the morning formed for action. The mounted men were placed in front of the cannon; on either side was a detachment of footmen accompanied by flankers on the right and left. A small guard brought up the rear. In this order they marched silently to the place they intended to occupy. Just as they reached it the Texan advance guard was fired upon by the Mexican pickets, and one man was slightly wounded. The Mexicans at once formed. The two columns of Texan footmen deployed into line with the horsemen on the extreme right and the cannon in the center. A dense fog made it difficult for either side to move with advantage, and the Texans therefore kept their places until daylight. The Mexicans occupied a commanding position on a slight eminence. As soon as it was light enough, the Texans advanced into the open prairie until within three hundred and fifty yards of the Mexicans, and opened fire. The Mexicans retreated, and then proposed a parley.

By this time the fog had lifted, and Colonel Moore and Lieutenant Castañeda advanced to meet each other in full view of the opposing forces. Castañeda asked why the Mexicans had been attacked. Colonel Moore replied that they had demanded a cannon that the colonists had been given for their own defense and that of the constitution, and had threatened to use force in case it was refused; that Castañeda was acting under orders from Santa Anna, an enemy of the constitution and laws of the country; and that the Texans were determined to fight for this constitution. Castañeda replied that he and two-thirds of the Mexicans were republicans, and that he was still an officer of the federal government, which, however, had undergone considerable change; that, since the majority of the states had decided upon the change, Texas, too, must submit to it; that it was not his intention to fight the Anglo-Americans; that his instructions were simply to demand the cannon, and, if it were refused, to await further orders. Colonel Moore then asked that he either surrender with all his troops, or join the Texans—in which event he would be allowed to retain his rank, pay, and emoluments—or fight immediately. Castañeda replied that he must obey orders. Thus the interview ended.

The Texans again opened fire, and the Mexicans almost immediately threw aside all unnecessary incumbrances, and turned and fled. The people who were anxiously awaiting in Gonzales the result of

the skirmish told afterwards that in the early morning the shriek of the cannon with its unusual charge could be heard reverberating along the valleys with remarkable distinctness. The Mexicans lost one man—the total mortality of this memorable engagement.

Reinforcements continued to arrive at Gonzales, and every one seemed anxious that Stephen F. Austin should come thither and direct future operations. On October 6 a dispatch was received from Béjar saying that Ugartechea was on the way to Gonzales with five hundred men. Since requests and demands sent by subordinates had failed to bring the cannon, the principal commandant was coming in person to "take" it. This only increased the desire for Austin's presence, and when on the same day there were received in Gonzales communications from Ugartechea addressed to Austin they were forwarded, accompanied by the following letter:

GONZALES, October 6, 1835, twelve o'clock at night.

DEAR COLONEL.—You will receive important despatches by the bearer, that Colonel Ugartechea and probably General Cos are now on their march here with all their forces to take the gun if it is not delivered.

You will see by Ugartechea's letter to you he proposes a sort of a compromise. That will give us an opportunity to entertain him a little while, upon the suggestion that you are sent for, while we get in more men. We who subscribe this request you earnestly to come on immediately, bringing all the aid you possibly can. We want powder and lead. Do all you can to send on instantly as much as possible.

P. W. GRAYSON,
PAT. C. JACK,
J. W. FANNIN, JR.
THOMAS P. GAZLEY,
J. W. E. WALLACE,
JOHN J. LINN,
S. R. MILLER.
A. POLLARD.

The volunteers had by this time reached the number of three hundred. Without waiting for Austin's answer, they held a council of war and temporarily organized the troops. Arrangements were made to secure as soon as possible supplies such as beeves, wagons, teams, spades, shovels, axes, and hoes. A large cornfield was secured from Eli Mitchell as a place of encampment. On the same evening, information having been received of the advance of the Mexicans upon Victoria, one hundred men were despatched thither to help defend that place.

It was generally agreed that the best plan would be to attack Béjar and thus to prevent the colony from becoming the battle ground. Preparatory to such a campaign, however, a new and permanent organization was necessary, and the first step was the election of a commander-in-chief. On the morning of October 11, the board of

war met and resolved that at four o'clock in the afternoon the election should be held by companies. This announcement produced the greatest excitement in camp. The men were mostly strangers to each other, and those from each section had a candidate to suggest for the place. None of the factions seemed willing to submit to the choice of any other, and many of the volunteers threatened to return to their homes provided their favorites were not elected. Feeling ran so high that it seemed for a time that the troops might disband.

Just at this critical moment, Stephen F. Austin arrived. The effect was remarkable. Factional wranglings at once ceased. All parties rallied around the general favorite, and he was unanimously chosen as commander-in-chief of the army of Texas.

II. The Capture of Goliad

By George W. Collinsworth and Ira Ingram

[The selections which follow are from Barker (ed.), *The Austin Papers*, III, 164, 169, 181. They are printed as written, with spelling, capitalization, and punctuation unchanged.]

a. G. M. Collinsworth to Austin

Guadaloupe 12 o'Clock October 8th 1835

In Camp—
Col. S. F. Austin:

Dear Sir I have this day stoped an Express directed to you from Martin Perfecto de Cos which I deemed of Some importance to our Movements, Consequently have taken the liberty of opening the Same, and have Resealed and dispatched with all possible Speed —we Shall Enter Laberdee [La Bahia, Goliad] to Night or tomorrow, there is from 60 to 100 troops in that place I have under My charge 47 Good and Effective men which I think all Sufficient to take that place, from whence if I have No advice I Shall direct My March to Bexar, I also enclose you a letter from the Custom House at Goliad to Mr. Dimmet, without a Signature In hast your obt Servant

Geo. M. Collinsworth, Capt.

b. James Kerr to Council of War

Guadaloupe Victoria October 10th 1835
11 P. M. 1835

To the Council of War at Gonzales:

This moment Col. Milam with an escort of a few men, bringing with them 3 officers passing from Goliad arrived here, bound for St Felipe—a copy of the following letter will elucidate the matter—

"Goliad 8 oclock A.M. Octr 10th 1835

To Captn Benj. Smith

Dear Sir:

I arrived here last night at 11 Oclock and marched into the fort, by forcing the Church doors and after a small fight they surrendered with 3 officers and 21 soldiers, together with 3 wounded and one killed —I had one of my men wounded in the shoulder—They have dispatched couriers for Troops to several points and I expect I shall need your aid, there is plenty of public horses near here, but I have not sufficient forces to send after them, and protect my self.

Come on as speedily as possible

Geo. M. Collinsworth.

c. *Report of Arms Captured at Goliad*

The following report and list of armament is returned by the undersigned in conformity with an order of the Col. Commanding Which is as follows

6 Saddles—Serviceable, with trifling repairs
1 Barrell Musket cartridges servesable for close [quarters]
100—4lb Shot—
44 Lance Heads } these two articles will be very usefull
From 100 to 200 Bayonett } in case of a charge
200 Stands of Muskets and Carbines—Some of which Might be made Serviceable by small repairs but the greater part are broken and entirely useless.

A lot, old broken Cartridge Boxes and Rusty camp kittles all unfit for use old Iron etc. etc.

Ira Ingram Commanding

Goliad Oct. 13, 1835
A true Coppy):
Statement of arms and munitions of war at Bexar
500 Muskets 800
300 Carabines
2 4lb Ps. Artilery with 288 Ball Catridges 192 Grape ammunition for these Same complete

400 Cavilry
150 Infantry
500 do Recruits and others

1050

III. The Capture of San Antonio

By Edward Burleson

[Colonel Edward Burleson's report, which follows, is from a copy in John Henry Brown, *A History of Texas,* I, 422–426.]

Bexar, December 14th, 1835.

To His Excellency Henry Smith, Provisional Governor of Texas:

Sir: I have the satisfaction to enclose a copy of Colonel Johnson's account of the storming and surrender of San Antonio de Bexar, to which I have little to add that can in any way increase the luster of this brilliant achievement to the federal arms of the volunteer army under my command; and which will, I trust, prove the downfall of the last position of military despotism on our soil of freedom.

At three o'clock on the morning of the 5th instant, Colonel Neill, with a piece of artillery, protected by Captain Roberts and his company, was sent across the river to attack, at five o'clock, the Alamo, on the north side, to draw the attention of the enemy from the advance of the division which had to attack the suburbs of the town, under Colonels Milam and Johnson. This service was effected to my entire satisfaction; and the party returned to camp at nine o'clock a.m.

On the advance of the attacking division, I formed all the reserve, with the exception of the guard necessary to protect the camp, at the old mill position, and held myself in readiness to advance, in case of necessity, to assist when required; and shortly afterwards passed into the suburbs to reconnoitre, where I found all going on prosperously, and retired with the reserve to the camp. Several parties were sent out mounted, under Captains Cheshire, Coleman and Roberts, to scour the country and endeavor to intercept Ugartechea, who was expected, and ultimately forced an entry, with re-inforcements for General Cos. Captains Cheshire, Sutherland and Lewis, with their companies were sent in as re-inforcements to Colonel Johnson, during the period of attack; and Captains Splane, Ruth, and Lieutenant Borden with their companies, together with Lieutenant-Colonels Somervell and Sublett were kept in readiness as further assistance if required. On the evening of the 8th, a party from the Alamo of about fifty men, passed up in front of our camp and opened a brisk fire, but without effect. They were soon obliged to retire precipitately, by opening a six-pounder upon them, commanded by Captain Cummings, by sending a party across the river and by the advance of Captain Bradley's company, who were stationed above. On the morning of the 9th in consequence of advice from Colonel Johnson of a flag of truce having been sent in, to intimate a desire to capitulate,

I proceeded to town, and by two o'clock a. m. of the 10th, a treaty was finally concluded by the commissioners appointed, to which I acceded immediately, deeming the terms highly favorable, considering the strong position and large force of the enemy, which could not be less than thirteen hundred effective men; one thousand one hundred and five having left this morning with General Cos, besides three companies and several small parties which separated from him in consequence of the fourth article of the treaty.

In addition to a copy of the treaty I enclose a list of all the valuable property ceded to us by virtue of this capitulation.

General Cos left this morning for the mission of San José, and, to-morrow, commences his march to the Rio Grande, after complying with all that had been stipulated.

I cannot conclude this despatch without expressing in the warmest terms, my entire approbation of every officer and soldier in the army, and particularly those who so gallantly volunteered to storm the town, which I have the honor to command, and to say that their bravery and zeal on the present occasion, merit the warmest eulogies which I can confer, and the gratitude of their country. The gallant leader of the storming party, Colonel Ben. R. Milam, fell gloriously on the third day and his memory will be dear to Texas as long as there exists a grateful heart to feel, or a friend of liberty to lament, his loss. His place was most ably filled by Colonel F. W. Johnson, adjutant-general of the army, whose coolness and prudence, united to daring bravery, could alone have brought matters to so successful an issue with so very small a loss against so superior a force and such strong fortifications. To his shining merits on this occasion, I bore ocular testimony during the five days' action.

I have also to contribute my praise to Major Bennett, quartermaster-general, for the diligence and success with which he supplied both armies during the siege and storm.

These despatches with a list of killed and wounded will be handed to your Excellency by my first aid-de-camp, Colonel William T. Austin, who was present as a volunteer, during the five days' storm, and whose conduct on this and every other occasion, merits my warmest praise.

To-morrow I leave the garrison and town under command of Colonel Johnson, with a sufficient number of men and officers to sustain the same, in case of attack, until assisted from the colonies; so that your Excellency may consider our conquest as sufficiently secured against every attempt of the enemy. The rest of the army will retire to their homes.

I have the honor to be,
Your Excellency's obedient servant,
EDWARD BURLESON,
Commander in Chief of the Volunteer Army.

Capitulation Entered into by Gen. Martin Perfecto De Cos, of the Mexican Troops, and General Edward Burleson, of the Colonial Troops of Texas

Being desirous of preventing the further effusion of blood and the ravages of civil war, we have agreed on the following stipulations:

1st. That General Cos and his officers retire with their arms and private property, into the interior of the republic, under parole of honor; that they will not in any way oppose the reestablishment of the Federal Constitution of 1824.

2nd. That the one hundred infantry lately arrived with the convicts, the remnant of the batallion of Morelos, and the cavalry, retire with the General; taking their arms and ten rounds of cartridges for their muskets.

3rd. That the General take the convicts brought in by Colonel Ugartechea, beyond the Rio Grande.

4th. That it is discretionary with the troops to follow their General, remain, or go to such point as they may deem proper; but in case they should all or any of them separate they are to have their arms, etc.

5th. That all the public property, money, arms, and munitions of war be inventoried and delivered to General Burleson.

6th. That all private property be restored to its proper owners.

7th. That three officers of each army be appointed to make out the inventory and see that the terms of the capitulation be carried into effect.

8th. That three officers on the part of General Cos remain for the purpose of delivering over the said property, stores, etc.

9th. That General Cos, with his force, for the present occupy the Alamo; and General Burleson, with his force, occupy the town of Bexar; and that the soldiers of neither party pass to the other armed.

10th. General Cos shall, within six days of the date hereof, remove his force from the garrison he now occupies.

11th. In addition to the arms before mentioned, General Cos shall be permitted to take with his force a four-pounder, and ten rounds of powder and ball.

12th. The officers appointed to make the inventory and delivery of the stores, etc., shall enter upon the duties to which they have been appointed, forthwith.

13th. The citizens shall be protected in their persons and property.

14th. General Burleson shall furnish General Cos with such provisions as can be obtained, necessary for his troops to the Rio Grande, at the ordinary price of the country.

15th. The sick and wounded of General Cos's army together with a surgeon are permitted to remain.

16th. No person, either citizen or soldier, to be molested on account of political opinions hitherto expressed.

17th. That duplicates of this capitulation be made out in Castilian and English and signed by the commissioners appointed, and ratified by the commanders of both armies.

18th. The prisoners of both armies, up to this day, shall be put at liberty.

The commissioners, José Juan Sanchez, adjutant inspector; Don Ramon Musquiz and Lieutenant Francisco Rada, and Interpreter Don Miguel Arciniega, appointed by the Commandant and Inspector-General Martin Perfecto de Cos, in connection with Colonel F. W. Johnson, Major R. C. Morris, and Captain J. G. Swisher, and Interpreter John Cameron, appointed on the part of General Edward Burleson, after a long and serious discussion, adopted the eighteen preceding articles, reserving their ratification by the Generals of both armies.

In virtue of which, we have signed this instrument in the city of Bexar on the 11th of December, 1835.

José Juan Sanchez,
Ramon Musquiz,
J. Francisco de Rada,
Miguel Arciniega, *Interpreter,*
F. W. Johnson,
Robert C. Morris,
James G. Swisher,
John Cameron, *Interpreter.*

I consent to and will observe the above articles.

Martin Perfecto de Cos.

Ratified and approved.

Edward Burleson.
Commander-in-Chief of the Volunteer Army.

A true copy.

Edward Burleson, *Commander-in-Chief.*

IV. Address of the General Council to the Captors of San Antonio

[From the *Journal of the Proceedings of the General Council,* etc., 161–162 (Houston, 1839).]

Council Hall, San Felipe de Austin,
December 15, 1835.

To General Edward Burleson, Colonel F. Johnson and all the brave officers and soldiers of the citizen volunteer army in Bexar.

FELLOW-CITIZENS:

The Representatives of your General Council, were this hour greeted with the welcome intelligence of your glorious victory and triumphant conquest, over the post of Bexar, with all your enemies prisoners, together with all the arms, munitions and provisions. We expected no less from our heroic citizens, and brave compatriots of our northern brethren. We felt that you were invincible, and that our enemies, although greatly out-numbering you, must yield to the sons of freedom. Their cause is that of oppression and tyranny, ours, that of liberty and equal rights. They are but the hireling slaves of an usurper. You are the brave sons of Washington and freedom, and you have proved yourselves worthy of your glorious origin. You have fulfilled the expectations of your country, and the hopes of all the lovers of liberty on earth. Your Representatives extend to you the cordial hand of congratulation and gratitude as well in behalf of our fellow-citizens and our families, as for themselves. You have valiantly acquitted yourselves of the high trust which your country's danger caused you to assume, and your names will be enrolled in the first pages of your country's history of heroes, as well as imprinted on the hearts of your fellow-citizens. But in the midst of joy there is mourning, and while we shout your victory, the tears of holy sorrow bedew our faces. The brave and heroic Milam has fallen in the arms of victory; and the cause of his injured country. In him we have lost a precious gem from the casket of brilliant heroes. God rest his soul! while his memory shall survive as long as a freeman has a standing in Texas.

Other brave men have also mingled their blood with their country's sacrifices. Their honor is imperishable. That your first noble example may be followed is the ardent wish of your Representatives, whose efforts in their sphere have been anxiously directed for your aid and comfort; and had your country's means at command been equal to her generous gratitude, your every want had been promptly supplied.

Citizen Soldiers: Many of you have long been in the field of honor and of danger, separated from your families and your homes. A respite from your labors and your privations must be desirable; and it is reasonable, in anticipation of this glorious event to be achieved by your arms. Your government has been solicitously engaged in organizing a regular army, upon a proper footing, together with provisions for an auxiliary volunteer corps, that you might be released and get rest among your families and friends, until the future calls of your country again place you in defence of her, and your just

rights. To such calls you have always proved your hearty response. We address you in much haste, but with feelings not to be repressed. Your joy is our joy, your sorrows our sorrows; and with assurance of unabating sympathies with you, and all our fellow-citizens in the present glorious epoch in our country's annals.

We are truly your

FELLOW CITIZENS AND FRIENDS.

CHAPTER XXII

THE TEXAS DECLARATION OF INDEPENDENCE

I. The Drafting of the Declaration

By James K. Greer

[The selection which follows is from an article entitled, "The Committee on the Texas Declaration of Independence," in *The Southwestern Historical Quarterly*, XXX, 239–251, XXXI, 33–49, 130–149. The part of the article not reproduced here contains biographical studies of the members of the committee which framed the declaration.]

The winter of 1835–36 saw public opinion in Texas crystallize toward the belief that the time had arrived for Texas to sever its relation with the Mexican government. Hope that the Mexican Liberals would assist the Texans in a future safe-guarding of their rights had dwindled; a declaration on November 7, 1835, in favor of the Mexican constitution of 1824 had repelled Americans and failed to secure support from Mexico. Even Stephen F. Austin, the colonist most loyal to the Mexican government in Texas, who had said in November, 1835, that Texas had *"legal and equitable and just grounds to declare independence,"* but continued to insist on strict adherence to the Mexican Federal Union during the same period, finally said that he was now in favor of an immediate declaration of independence. Having arrived at this conclusion, Austin now threw all his influence, and it was of great weight with the people as a whole, to securing unity of the people in favor of a declaration of separation from the Mexican government. Austin, along with a majority of intelligent observers, saw that Texan independence was inevitable, and proceeded to prepare the people for the coming struggle. Without reviewing the movement for independence and the manner in which a large proportion of the Texans had arrived at the point of looking forward to it, the adoption of the declaration of independence and the lives of the committeemen who reported that instrument are herein considered. The provisional government authorized the holding of this, the fourth convention of the colonists, whose delegates were invested with plenary powers. The convention was to assemble on March 1st.

On February 1, an election of delegates to the convention was held in the various municipalities. Sixty-two delegates were elected to the convention and fifty-nine were present to take part in the proceedings.

Three delegates, James Kerr, J. J. Linn, and Juan Antonio Padilla arrived too late to participate in the convention. According to Colonel W. F. Gray,[1] an eye-witness at the convention, when the delegates assembled on the cold morning of March 1, forty-one members were present who had been duly elected as delegates and others were soon to arrive. The convention was called to order by George C. Childress of Milam. James W. Collingsworth of Victoria, and W. A. Farris were then made chairman and secretary, pro-tem, respectively. The working organization was then completed, with Richard Ellis having been elected chairman, H. S. Kimble, secretary, and other regular officers were installed. The chairman appointed Childress and S. H. Everett to act as tellers.

Early in this session Childress introduced the following resolution: "Resolved that the President appoint a committee to consist of five delegates to draft a Declaration of Independence." Martin Parmer, of the municipality of Tenaha, offered an amendment to this resolution which provided for the appointment of a delegate from each municipality to serve on the proposed committee. The amendment was defeated and the resolution passed. President Ellis appointed George C. Childress of Milam, James Gaines of Sabine, Edward Conrad of Refugio, Collin McKinney of Red river, and Bailey Hardeman of Matagorda to report a declaration of independence. Of the five men, Conrad, Hardeman, Gaines, McKinney, and Childress, two, Hardeman and Childress, were lawyers and skilled at legal phraseology. Two, Gaines and McKinney, were advanced in years, McKinney being seventy, and tutored by mankind's best teacher, Life. These last two men had lived in several states, and their experience, conservatism, and practical judgment were not unvalued in a matter of this nature. Conrad seems to have been a bit impetuous, but because of early opportunities, was in all probability a well informed man.

Evidence of the early interest of Childress, Conrad, and Gaines in a desire for an adequate government, may be easily produced. Before emigrating to Texas, and while connected with *The Banner and Advertiser* of Nashville, Tennessee, Childress undoubtedly used his position and opportunity to further the interests of his friends in the province of Texas. Such action would have been only natural

[1] Colonel Gray, one of thousands who were hard hit by the depression of 1833, came to Texas to investigate the land situation. He was employed to act as agent by two friends of Washington, D. C., who were interested in land possibilities in Texas and Louisiana. In a diary, he carefully and apparently scrupulously narrates his observations. He made two trips to Texas; one in 1835–36, and the second in 1837. For what he observed, his *Diary* must be acknowledged a good source.

It is interesting to notice that Gray was confirmed by the Senate of the Republic to be a Notary Public of Houston, January, 1839. In 1840 he was confirmed as District Attorney of the First Judicial District. See E. W. Winkler, *Secret Journals of the Senate of the Republic of Texas, 1836–1845* (Austin, 1911), 129, 188.

because of the numerous settlers in Texas from Tennessee, the early activities of the Nashville Company, and Sterling Robertson's work as an empresario from that state.

On November 17, 1835, the press of Nashville published a call for a public meeting of the citizens of Nashville and Davidson County, to be held at the courthouse, "for the purpose of adopting suitable measures for the assistance of their fellow-citizens, in the province of Texas." At this meeting Childress was unanimously called to the chair, and William K. Hill was then appointed secretary. As chairman, Childress explained the object of the meeting and "eloquently portrayed the condition of our friends and countrymen, who are there battling for all that freemen hold most dear, against the grasping ambitions of Mexico's despot and his hireling slaves." . . .

Following the chairman's address, resolutions were submitted and unanimously adopted, pledging sympathy and support. Brief addresses were then delivered, after which liberal contributions were made by several individuals, and volunteers were pledged. The meeting was described as the most spirited ever held in Nashville.

This public meeting was followed by other meetings. One individual was said to have donated five thousand dollars to the cause, and to have appointed "Geo. C. Childress, Esq., his agent to tender it to the acting public authorities in Texas." Childress had been designated also by resolution in the meeting of November 17, as correspondent from Texas with the committee of five men in Nashville.[2]

One writer has stated that Conrad was zealous for independence from the Mexican government and looked to the organized government of the state for action in behalf of independence. Conrad is quoted as having written to Ira Ingram, secretary of the Goliad convention, which met December 20, 1835, as follows:

> I am not in accord with the spirit of procrastination which holds in its grasp many of our people. But I have faith in their sincerity, but little in their judgment. I am looking to the organized government for a more determined stand for independence. If this is long delayed, our cherished hopes will be blasted and we will become the vassals of the most repugnant government history has known.

Such advocacy is not surprising, however, when it is recalled that many of the leading men, for some months, had been openly using their best efforts to further the feeling that the time for a separation of Texas from Mexico had arrived.

[2] Sterling C. Robertson returned to Nashville from his colony in September, 1835, and in discussing the situation in Texas stated that "it must, before long, come under the government of the United States and be independent, as the present state of affairs cannot last long." See *The Arkansas Gazette,* Little Rock, October 20, 1825. He was advertising for colonists in the local papers. It is likely that his nephew, Childress, returned with him. They served in the Convention, a few weeks later, as delegates from Milam.

Gaines's position on independence is shown by Colonel W. F. Gray, who, en route to Texas, arrived at Gaines's Ferry, and recorded the experience thus:

> Thursday, January 28, 1836. . . . After a pleasant ride (bating muddy roads), arrived at dusk on the banks of the Sabine, at Gaines' Ferry. . . . The ferry and tavern are owned and kept by Capt. Jas. Gaines, who emigrated nearly thirty years ago from Culpeper, Va. He has seen much of Texas and appears to be well versed in its history; is much of a politician, and a candidate for the new Convention, the election for which takes place next Monday. Gaines says he fixed himself at this place in ——— believing that Texas belonged to the United States, Mr. Adams having proved that it did, and he still hopes that it will. He goes for the *independence* of Texas, and then, to unite with Uncle Sam, if he will.

If McKinney and Hardeman had not previously voiced their position on the question of independence, their action in the convention, upon the introduction of that instrument, indicates that the committee was unanimous in its report. At least, as we shall see, if President Ellis attempted to have the former factions of this topic of the day —"pro and con"—represented on the committee, the "con" did not manifest itself.

It is unfortunate that facts concerning the sitting of the committee and the drafting of the declaration have not been ascertained. However, authorities that have referred to the authorship of the declaration have ascribed that honor to the credit of the chairman, George C. Childress. It may be said with some certainty that Childress was the one of the committee best fitted for the phrasing of the document. McKinney's schooling had been limited to six months when a mere boy—an experience common to many outstanding men of that day and since. Gaines, too, as clearly indicated by his letters, had been educated only in the "school of experience." There is no available evidence that Conrad was qualified for such a task, although he possessed more than average training as evidenced later by his assignment to duty as an army enlistment officer, and his resolution in the convention.

Bailey Hardeman possessed legal training, but he had been out of touch with affairs of state while with the military and may be considered as not having been endowed with the initiative required to prosecute such an effort.

Childress, as has been stated, had been trained in law, and was experienced in writing as an attorney and newspaper editor. His addresses in Tennessee in behalf of Texas are a fair index to his ability with the pen. Certainly, his ability as an extemporaneous speaker was unusual, and his association before the bar at Nashville was with such men as enriched his experience in statesmanship. His letters were good evidence of his command of form and of his ability to express his ideas. Writing was, he once modestly admitted in a

letter to President Lamar, not a task for him. He said, "I write mechanically, with dispatch, and have been somewhat in the practice of composition."

W. P. Zuber, a contemporary who visited the convention on March 10, refers to Childress as the author of the declaration. E. M. Pease, who was asked to serve as assistant secretary of the convention, has been quoted as saying: "It is generally understood that Mr. Childress brought the draft of the Declaration of Independence with him to the convention and that it was submitted to and received the approval of several leaders of the convention. There is little doubt, but that this is correct, because very soon after the committee met it was rumored that a declaration of independence had been agreed upon." Whether Mr. Pease voiced such a statement or not does not detract from the probability and likelihood of such being a fact.

According to Mrs. Cone Johnson of Tyler, Texas, whose father, Colonel Elijah Sterling Clark Robertson, was a cousin of Childress, family tradition says that "he wrote it, phrased it, and penned it." Colonel Robertson came to Texas in 1831, and figured actively in the affairs of the Republic. Mrs. Johnson has stated that her father always said: "Geo. C. Childress, *Chairman,* wrote the Declaration with his own pen, without assistance; and he, my father, always spoke with pride of his ability and brilliancy, though only a young man." True, such data may be open to classification and criticism as "tradition" by the trained student, but one must admit that it is rather well borne out by the contemporary evidence that is to be had.

The editorial columns of *The Telegraph and Texas Register* of March 12, 1836, refer to Childress as "the Chairman of the Committee who drafted the instrument."

That Childress' ability as a statesman and his acquaintance with the declaration of independence were recognized is shown by his appointment as Texas Diplomatic Agent to Washington by President Burnet. Among the first duties following the presentation of his credentials at Washington was to submit a copy of the declaration of independence to the United States authorities.

The "Proceedings of the Convention at Washington," as preserved by the secretary, give no better account of the report of the committee on the declaration than that kept by Colonel Gray in his *Diary:*

Wednesday, March 2, 1836.

The Convention met pursuant to adjournment. Mr. Childress, from the Committee, reported a Declaration of Independence, which he read in his place. It was received by the house, committed to a committee of the whole, reported without amendment, and unanimously adopted, in less than one hour from its first and only reading. It underwent no discipline, and no attempt was made to amend it. The only speech made upon it was a somewhat declamatory address in Committee of the Whole by General Houston.

Assistant clerks were appointed, and, there being no printing press at Washington, various copies of the Declaration were ordered to be made and sent

by express to various points and to the United States for publication: 1,000 copies ordered to be printed at ——— for circulation. . .

A copy of the Declaration having been made in a fair hand, an attempt was made to read it, preparatory to signing it, but it was found so full of errors that it was recommitted to the Committee that reported it for correction and engrossment. . . .

The entries of Gray's *Diary* compare uniformly with the Journal of the Convention on the proceedings of that body, and seem to be the one *source* ascertainable on the activities of the house when the Declaration was reported. A perusal of Colonel Gray's report convinces one that he was a keen and interested observer throughout the assembly and that he was absolutely unbiased in his entries until the latter part of the convention. It seems reasonable to conclude that he certainly wanted to see a smoothly functioning government organized in order that he might learn the possibility of securing some land in accordance with his mission. His only really impatient entry was not recorded until a month after the convention adjourned. At this time the tone was no doubt influenced by keen and natural disappointment over the disposition of the land question. Nevertheless, the *Diary* continues uniformly accurate as far as can be ascertained by comparisons.

On motion of Goodrich of the municipality of Washington, a copy of the declaration was to be sent to Bexar, Goliad, Nacogdoches, Brazoria, San Felipe, and Natchitoches, and "the printer at San Felipe requested to print in handbill form, for distribution, one thousand copies and that a committee of three be appointed to carry the above resolution into effect." Messrs. Goodrich, Parmer, and Byron were appointed as the committee.

On March 3, additional delegates, late in arriving, took their seats, and contested elections of others were decided. The engrossed declaration was read and then signed by all the members present.[3] Accord-

[3] According to W. P. Zuber, in an article in the *Galveston News* of June 24, 1900, the original declaration was carried by Kimble, the secretary, to his home in Kentucky. Kimble was not a delegate to the convention. Thus, says Zuber, the original Declaration was lost to the Texans and never recovered.

Seth Shepherd is quoted under a Beaumont, Texas, date-line, in the *Galveston News* of April 5, 1905, with a different story. He states that the original Declaration was discovered in the United States Archives, and that it was returned to Texas through Senator Culberson, by co-operative kindness of the Secretary of State of the United States. This original was labeled:— "left at the Archives by Wharton, May 28, 1836," and was marked "Original."

If the second acount is true, then the natural question arises, *who* gave the original to Wharton? How did he secure it? Certainly, mention of such, if done, by the Texas government, is lacking in the correspondence records. The Commission of which he was a member heard from their Government only once. Did Childress give it to him? Hardly so, because Carson does not so describe this instrument as a part of Childress' credentials. Evidently the engrossed "original" is meant. The matter has not been clarified. Both accounts are probably right, as far as they go. The Department of State,

ing to Colonel Gray, Roberts, and Taylor, of the municipality of Nacogdoches, "at first expressed some difficulty about signing, but finally yielded and added their names." It is to be regretted that no information is available concerning the hesitancy of these men. Copies of the declaration were then "dispatched by express in various directions."[4] All delegates present signed, and those that entered later were allowed to sign as they came in.

As the proceedings of the convention continued, the individuals of the committee on the declaration participated to an appreciable extent. Conrad was identified with various measures dealt with in the convention, although he was more concerned with the matter of lands than with the political theorizing that occurred. He introduced three very important and lengthy resolutions dealing with two outstanding subjects: the question of land grants and land bounties, and the organization of the military affairs. His first resolution, introduced on March 3, 1836, provided for the closing of the land offices granting land while soldiers in the field with claims equal to those receiving land were unable to secure grants. To supplement this resolution, on March 8, he moved that three land commissioners be appointed to investigate land conditions in the state, in general; that the land records be secured and safely retained by the commissioners.

On the 10th, Conrad's motion to have the convention resolve itself into a committee of the whole, and to consider the report concerning the organization of "the physical force of the country" carried, and favorable action upon the report was promptly taken. And on the same day, having secured the passage of a motion dispensing with the "day on the table rule," he obtained an act which furnished the medical department of the army with information as to the manner of securing surgeons and a surgeon general.

Probably Conrad's resolution concerning bounty lands for the army volunteers was his most flattering effort. That the resolution was well put and slated for passage, is indicated by the *Diary* of Colonel Gray:

> Monday, March 14, 1836.
>
> . . . Conrad today introduced a series of resolutions, giving large land bounties to the volunteers . . . It will doubtless succeed in some shape, for the military interest has great ascendancy in this body. It is necessary to conciliate the military, and scarcely anything that they can ask will be refused. They know the country will have to be defended by volunteers from the United States, and they therefore will bid high for them.

The resolution was read, amended, and adopted on March 17.

Austin, does have the recovered "original" that Shepherd speaks of. This Declaration is what might be termed the engrossed and signed copy. Zuber's "original" was probably in Childress' handwriting.

This opinion is influenced by Gammel, *Laws of Texas*, I, 837, 883, 903.

[4] For the reception of the Declaration of Independence in the United States, see articles in *The Southwestern Historical Quarterly*, XVI, 270–277, and XVII, 262, by James E. Winston.

Hardeman did not take a very active part in the convention, but his motions indicated a desire to see a constitution reported and acted upon as promptly as possible. On March 8, 1836, he moved that "all subjects not directly connected with the constitution of this republic lay on the table until that instrument be adopted by this convention." The motion was laid on the table, but when he called for it on the 10th, the house sustained the call, and the motion which was amended to read . . . "unless taken up by two-thirds of the house, without debate," was passed.

He was appointed on two committees: to organize the militia, and to consider Colonel Morgan's payment of tariff duties levied by the provisional government.

McKinney was among the silent members of the convention. A man of action—a practical man, he apparently made no speeches, but was active enough in the common cause before and after the convention. However, he served on one very important committee; the committee to frame the constitution. He with Hardeman, Gaines, and eighteen others composed the committee.

Gaines was not very active in the convention proceedings, and one does not find in the Journal much that reflects the political doctrine of this practical and astute politician. However, he served as chairman of one committee, and also made one motion. As chairman of the committee on the disposition of Mexican prisoners, he made a detailed report concerning their treatment. He served on a standing military committee, and on a committee "to correct errors and phraseology relating to the present provisions" of the constitution. His motion, made on March 10, was to reconsider the resolution which had commissioned two men, Black and Burnett, to raise a company of volunteers and disperse Indians, supposed to be near the San Antonio road.

Childress participated extensively in the proceedings of the convention, but his general view of government can be only inferred from his motions and brief debates, indicated in the Journal. Although verbose, he seems to have been a man of clearcut ideas, bulwarked by legal training and practice. Early in the convention (March 3), when Collinsworth moved that all papers and documents that were transferred to the convention "be referred to a committee of five delegates for examination and report," Childress was appointed one of the committee. On the following day he remarked on the advantages of avoiding dissensions and irritating questions which might arise in the course of the deliberations.

One illustration of Childress' practicality, evinced early in the convention, may be cited here. When the report reached the convention that the Alamo was in danger of being taken, one delegate moved that the convention hasten to the scene of action and there in camp complete the organization of the government, Childress vigorously opposed this plan. Assisted by Rusk and Collinsworth, Childress so

effectively argued against the motion to adjourn that it was easily decided in the negative.

Some of Childress' more important motions were: The prevention of slave trade in the Republic, not to be construed as opposition to bringing of slaves into the state by immigrants; that 1,000 copies of this report be printed; that "no person shall ever be imprisoned for debt, on any pretense whatever"; that the loan made by the agents of the Republic in New Orleans be explained; and, finally, on March 17, to adjourn *sine die.*

Other motions of Childress' were: that "a single star of five points, either of gold or silver, be adopted as the peculiar emblem of this republic"; that "every officer and soldier of the army and members of this convention, and all friends of Texas, be requested to wear it on their hats or bosoms"; that the letter from Mr. G. B. Franks, regarding the Indians around Milam, be referred to the committee on military affairs; and various motions to act upon reports of committees. He served on several committees: the committee on credentials of delegates; to report on the papers of John M. Smith; to inspect the enrollment of the ordinance bills; as a member of the standing committee of finance; to draft a provision for the constitution on the subject of lands, and to "draw copies of the act organizing the militia."

Following Childress' motion to adjourn *sine die* the delegates dispersed in all directions in great haste. "Their families are exposed and defenseless, and thousands are moving off to the east," recorded Colonel Gray in his *Diary,* before he joined the people leaving Washington.

II. The Declaration

The Unanimous Declaration of Independence made by the Delegates of the People of Texas in General Convention at the Town of Washington on the 2nd Day of March 1836

When a government has ceased to protect the lives, liberty and property of the people, from whom its legitimate powers are derived, and for the advancement of whose happiness it was instituted, and, so far from being a guarantee for the enjoyment of those inestimable and inalienable rights, becomes an instrument in the hands of evil rulers for their oppression: When the Federal Republican Constitution of their country, which they have sworn to support, no longer has a substantial existence, and the whole nature of their government has been forcibly changed, without their consent, from a restricted federative republic, composed of sovereign states, to a consolidated, central, military despotism in which every interest is disregarded but that of the army and the priesthood—both the eternal enemies of civil

liberty, the ever-ready minions of power, and the usual instruments of tyrants. When, long after the spirit of the constitution has departed, moderation is, at length, so far lost by those in power that even the semblance of freedom is removed, and the forms themselves, of the constitution discontinued; and so far from their petitions and remonstrances being regarded the agents who bear them are thrown into dungeons; and mercenary armies sent forth to force a new government upon them at the point of the bayonet: When in consequence of such acts of malfeasance and abdication, on the part of the government, anarchy prevails, and civil society is dissolved into its original elements—In such a crisis, the first law of nature, the right of self-preservation—the inherent and inalienable right of the people to appeal to first principles and take their political affairs into their own hands in extreme cases—enjoins it as a right towards themselves and a sacred obligation to their posterity to abolish such government and create another, in its stead, calculated to rescue them from impending dangers, and to secure their future welfare and happiness.

Nations, as well as individuals, are amenable for their acts to the public opinion of mankind. A statement of a part of our grievances is, therefore, submitted to an impartial world, in justification of the hazardous but unavoidable step now taken of severing our political connection with the Mexican people, and assuming an independent attitude among the nations of the earth.

The Mexican government, by its colonization laws, invited and induced the Anglo-American population of Texas to colonize its wilderness under the pledged faith of a written constitution that they should continue to enjoy that constitutional liberty and republican government to which they had been habituated in the land of their birth, the United States of America. In this expectation they have been cruelly disappointed, inasmuch as the Mexican nation has acquiesced in the late changes made in the government by General Antonio Lopez de Santa Anna, who, having overturned the constitution of his country, now offers us the cruel alternative either to abandon our homes, acquired by so many privations, or submit to the most intolerable of all tyranny, the combined despotism of the sword and the priesthood.

It has sacrificed our welfare to the state of Coahuila, by which our interests have been continually depressed through a jealous and partial course of legislation carried on at a far distant seat of government, by a hostile majority, in an unknown tongue; and this too, notwithstanding we have petitioned in the humblest terms, for the establishment of a separate state government, and have, in accordance with the provisions of the national constitution, presented to the general Congress a republican constitution which was, without just cause, contemptuously rejected.

It incarcerated in a dungeon, for a long time, one of our citizens, for no other cause but a zealous endeavor to procure the acceptance of our constitution and the establishment of a state government.

It has failed and refused to secure on a firm basis, the right of trial by jury, that palladium of civil liberty, and only safe guarantee for the life, liberty, and property of the citizen.

It has failed to establish any public system of education, although possessed of almost boundless resources (the public domain) and, although it is an axiom, in political science, that unless a people are educated and enlightened it is idle to expect the continuance of civil liberty, or the capacity for self-government.

It has suffered the military commandants stationed among us to exercise arbitrary acts of oppression and tyranny; thus trampling upon the most sacred rights of the citizen and rendering the military superior to the civil power.

It has dissolved by force of arms, the State Congress of Coahuila and Texas, and obliged our representatives to fly for their lives from the seat of government; thus depriving us of the fundamental political right of representation.

It has demanded the surrender of a number of our citizens, and ordered military detachments to seize and carry them into the interior for trial; in contempt of the civil authorities, and in defiance of the laws and the constitution.

It has made piratical attacks upon our commerce, by commissioning foreign desperadoes, and authorizing them to seize our vessels, and convey the property of our citizens to far distant ports for confiscation.

It denies us the right of worshipping the Almighty according to the dictates of our own conscience; by the support of a national religion calculated to promote the temporal interests of its human functionaries rather than the glory of the true and living God.

It has demanded us to deliver up our arms, which are essential to our defense, the rightful property of freemen, and formidable only to tyrannical governments.

It has invaded our country, both by sea and by land, with intent to lay waste our territory and drive us from our homes; and has now a large mercenary army advancing to carry on against us a war of extermination.

It has, through its emisaries, incited the merciless savage, with the tomahawk and scalping knife, to massacre the inhabitants of our defenseless frontiers.

It hath been, during the whole time of our connection with it, the contemptible sport and victim of successive military revolutions; and hath continually exhibited every characteristic of a weak, corrupt, and tyrannical government.

These, and other grievances, were patiently borne by the people of Texas until they reached that point at which forbearance ceases to be a virtue. We then took up arms in defence of the national constitution. We appealed to our Mexican brethren for assistance. Our appeal has been made in vain. Though months have elapsed, no sympathetic response has yet been heard from the Interior. We are,

therefore, forced to the melancholy conclusion that the Mexican people have acquiesced in the destruction of their liberty, and the substitution therefor of a military government—that they are unfit to be free and incapable of self-government.

The necessity of self-preservation, therefore, now decrees our eternal political separation.

We, therefore, the delegates, with plenary powers, of the people of Texas, in solemn convention assembled, appealing to a candid world for the necessities of our condition, do hereby resolve and declare that our political connection with the Mexican nation has forever ended; and that the people of Texas do now constitute a free sovereign and independent republic, and are fully invested with all the rights and attributes which properly belong to independent nations; and, conscious of the rectitude of our intentions, we fearlessly and confidently commit the issue to the decision of the Supreme Arbiter of the destinies of nations.

CHAPTER XXIII

FRAMING THE CONSTITUTION OF THE REPUBLIC OF TEXAS

By Rupert N. Richardson

[The complete study of which this is a somewhat abbreviated form is published in *The Southwestern Historical Quarterly,* XXXI, 191–219. Read also: Garrison, *Texas,* Chapter XVIII; Barker, Potts, and Ramsdell, *A School History of Texas,* 108–113; James K. Greer, "The Committee on the Texas Declaration of Independence," in *The Southwestern Historical Quarterly,* XXX, 239–251, XXXI, 33–49, 130–149.]

The Members and Their Organization

In the autumn and December of 1835 the Texas colonists revolted and cleared the Anglo-American region of Mexican forces. In accordance with an ordinance of the General Council enacted December 11 and passed over the Governor's veto December 13, 1835, elections were held on the first day of February, 1836, and delegates were chosen to represent their respective districts in a plenary convention for Texas, which was to convene March 1. The constitution that was to be drawn up was not to become operative until ratified by a majority of the voters.

Pursuant to these plans the Convention assembled at Washington on the Brazos and proceeded with the details of organization. The purpose of this paper is to present a study of the work of that body as it pertained to the forming of a constitution, together with some account of the history of that instrument, up to the time it became effective as the fundamental law of the Republic of Texas.

It seems fitting to take some notice in the beginning of the conditions under which this body of legislators labored. The town of Washington was a frontier village of a hundred or so inhabitants. There was no printing press, no library was available, except for books brought in by the delegates, and the conditions under which the members were obliged to work would have discouraged men less seasoned in frontier life. The house used as a meeting place was an unfurnished wooden structure without doors or windows. Cotton cloth in lieu of glass helped to keep out the cold wind. On the day the convention was organized a "norther" was blowing and the mercury stood at thirty-three degrees. "A long rough table extended from near the

front door to near the rear wall, and was equidistant from the side walls. On this table the public documents and the papers of the convention were laid, and the delegates were seated around it, the presiding officer sitting at the end and the secretary nearest him on his left. There was no bar around this table to prevent intrusion upon their deliberations. . . . Spectators entered the chamber at will, but they walked gently, so as not to annoy the delegates."

But the lack of accommodations represented one of the least difficulties the assembly had to face. Far more serious was the fact that they never knew what day they might be obliged to disband and either seek safety in flight or join the army then being assembled to stop the Mexican advance. From the very first day they were uneasy about the fate of the Texan forces in the vicinities of Goliad and San Antonio, and they knew that, even if Travis' little force should be able to hold out at Bexar, Santa Anna had a force sufficiently large to send an advance party of cavalry to put them to flight or capture their whole company.

Of the permanent organization Richard Ellis, of Red river, was president, and H. S. Kimble, who had recently come from Tennessee, was secretary. . . .

On Wednesday, March 2, a motion made by Robert Potter and adopted provided "That a committee be appointed consisting of one member from each municipality represented in the convention for the purpose of drafting a constitution for Texas, and that the same be reported as soon as practicable to this convention." The president immediately appointed as members of this committee Messrs. Martin Parmer of San Augustine, Robert Potter of Nacogdoches, Charles B. Stewart of Austin, Edwin Waller of Brazoria, Jesse Grimes of Washington, R. M. Coleman of Mina, John Fisher of Gonzales, J. W. Bunton of Mina, James Gaines of Sabine, Lorenzo de Zavala of Harrisburg, Stephen H. Everett of Jasper, Bailey Hardeman of Matagorda, Elijah Stapp of Jackson, William C. Crawford of Shelby, Claiborne West of Jefferson, James Power of Refugio, Antonio Navarro of Bexar, Collin McKinney of Pecan Point, William Menifee of Colorado, William Motley of Goliad, and Michael B. Menard. On March 2, Messrs. Houston, elected by Refugio, Robert Hamilton of Pecan Point, James Collinsworth of Brazoria, and David Thomas of Refugio were added to the committee. This list of delegates represents about half of the convention. Some men who participated extensively in discussing and perfecting the constitution were not named on the committee. Among those not named should be mentioned Samuel P. Carson, Thomas J. Rusk, Edward Conrad, George C. Childress, and Richard Ellis, the last president of the convention.

In this connection it may be well to take some notice of the characteristics, training, and experience of some of the delegates who appear to have been most active in the proceedings. Richard Ellis had participated in the Alabama Constitutional Convention of 1819, and

had come to Texas (or Arkansas, for he lived near the boundary which had not been surveyed) in 1825. The people of Miller County, Arkansas, elected him as their representative to the Arkansas Constitutional Convention of 1835, but he did not attend because of ill health. William Fairfax Gray thought Ellis made a poor presiding officer, and charged him with failure to preserve order and with showing partiality to certain members. However, it must have been a difficult task to direct the proceedings of an organization of frontier statesmen crowded for time and working under the tension that so many issues of vital importance naturally produced.

Probably the delegate best known at that time was Sam Houston. He was generally looked to as one of the few men whose experience and attainments would naturally fit him for leadership. However, he left the convention for the seat of war in the afternoon of March 6, before the first draft of the constitution had been presented and before the various issues which arose could have been debated extensively.

Another member of considerable experience in public affairs was Robert Potter, a petulant soul, if we may believe the gossip of that day. He had served in the assembly of his native state, North Carolina, was a member of the twenty-first congress, and again served in the state assembly. He left that state in 1835 and took up residence at Nacogdoches soon after. However, in the matter of experience in legislative and constitutive bodies, Samuel P. Carson was the superior of any other man in the convention. He had been a member of the senate of North Carolina and had served four terms in Congress. Furthermore, he had served as a delegate in the North Carolina Constitutional Convention of 1835, although he had come to Texas in 1834. Apparently the people of his district in North Carolina considered his trip to Texas merely a visit and in his absence they elected him to the convention. The records of the North Carolina convention do not indicate that his service was in any way distinctive, possibly due to the fact that he reported to the convention nearly two weeks late and suffered ill health during a considerable portion of his stay there. Carson was late in arriving at the Texas convention also and after his arrival he was not on the floor as much as a number of other members; but this does not indicate that his influence was not great. Other men who had held public office of some distinction were Martin Parmer, who had sat in the Missouri Constitutional Convention of 1819; and James W. Collinsworth, who had served as United States District Attorney in Tennessee. Thomas J. Rusk, a Georgia lawyer who had lost his money in a speculative enterprise and had come to Texas to recoup his fortune, had not had as much experience in public affairs as a number of other men in the group, but he was evidently recognized as a man of superior ability and the record indicates that he took a keen interest in every

issue that was raised. As the chairman of the select committee to correct errors and phraseology in the final draft of the constitution he may be regarded as being more responsible than any other man for the final wording of that instrument. By way of apology for Rusk, it may be stated that the constitution was amended a number of times after this final draft was presented. The notable service Rusk later rendered as Chief Justice of the Supreme Court of the Republic of Texas and still later as United States senator from Texas is evidence of his extraordinary ability, and explains the influence he wielded over the members.

George C. Childress is best known as the chairman of the committee on a Declaration of Independence and as the probable author of that instrument. He was not a member of the committee for framing a constitution; but he participated in many discussions pertaining to it, and should be mentioned among the men who appear to have had most to do in the final determination of questions that arose.

Three Spanish-Americans sat in the body and helped give it some appearance of being more than a mere assembly of disgruntled Anglo-Americans. They were José Antonio Navarro, Francisco Ruiz, and Lorenzo de Zavala. Of these, the last named was well known on two continents. As a deputy to the first Mexican National Congress, President of the Constituent Congress of 1824, Senator, Governor of the State of Mexico, Secretary of the Treasury, and Minister to Paris in 1833, he had run almost the complete gamut of Spanish-American statesmanship. His broad experience in public affairs in Mexico certainly must have acquainted him with Mexican institutions and through extensive travel and reading he had probably become well acquainted with those of the Anglo-Americans. He spoke English well, but not so fluently as Spanish.

Others might be named as participating extensively in the proceedings of the body but the records of what occurred are so meager that it is difficult to form any concise idea of their work. It does not appear that the delegates were aligned into any well-defined groups with any certain issues as the line of cleavage. The votes recorded (and it should be noted that most discussions occurred in the different committees or in the committee of the whole, where there is left little or no record of what happened) indicate that new alignments were made from time to time. Hence, leaders of groups, if there were any, were never sure of their followers. It appears that there was a large degree of independent action, and a descendent or a biographer of almost any delegate might go to the Journal and prove that his ancestor or subject was active in the proceedings.

It has been stated that of the fifty-eight men who participated in the proceedings forty were under forty years of age, and that nearly all of them came from Southern states—eleven from the Caro-

linas; that there were two native Texans, Navarro and Ruiz, both of Bexar; that there was an Englishman, a Canadian, a Spaniard born in Madrid, an Irishman, and a Scotchman.

It cannot be said that there was anything remarkable about the experience and ability of the members of the Washington Convention; for along beside men of training and outstanding talent worked those of lesser capacity and knowledge of statecraft. Yet, it would seem that the body would not suffer in comparison with the constituent assemblies that formed the fundamental laws of other American states. The large number of states represented gave the body a wealth and variety of political institutions to draw from, and the earnestness and diligence of the delegates enabled it to complete its work in a briefer period than almost any other similar body in American history.

The Work of the Convention; the Land Question

After the committee on the constitution had been appointed, the convention dealt with various matters. For our purpose it is not necessary to take any further notice of these proceedings than to mention some of the different problems with which the body had to deal in addition to the work of constitution making. It should be noted that this organization was within itself the government of Texas while it lasted, and one of its most pressing duties was to organize a provisional government that might hope to withstand the Mexican invasion and preserve order until the constitution could be approved by the voters and a regular government set up under its provisions.

It is a matter of consequence that a considerable part of the time and efforts of the delegates had to be spent on matters that would not present themselves to such a body meeting under conditions that generally prevailed when the different constitutions of the Anglo-American states were formed. Such problems as that of defense, the condition of the army, the selection of a flag for the Republic, contested elections, and the election of a commander-in-chief for the army occupied most of the time for the first few days.

The members of the committee on the constitution subdivided themselves into three committees, on the executive, legislative, and judicial branches respectively. Zavala was made chairman of the group on the executive, but we are not told who were the chairmen of the other two groups. Gray states that a report on a portion of the constitution was made on Monday, March 7, through Mr. Thomas, acting as spokesman. The Journals do not mention this fact, and it may be that Thomas's report was made informally for the information of those members not working on the committee, and that it was not placed before the convention in a regular way. At any

rate, it seems that the committee was reaching certain agreements and that the time was near at hand when at least a part of their proposal would be finished; for on the morning of March 8, Potter made a proposal in regard to the land article which indicates that he had been defeated in the committee and was carrying his fight to the whole convention. His plan was to have the convention instruct the committee on the constitution in regard to the subject contained in his proposal.

The preamble of Potter's resolution reads in part: "Whereas, . . . certain designing persons in Texas, combined with others who live in distant parts, and are not citizens of Texas, are seeking, under the cover of forgery or fraudulent grants to cheat the people of Texas out of large and valuable portions of their lands," he would propose a resolution to the effect that the "committee on the constitution be instructed to inquire into the propriety of inserting in that instrument a provision" to the effect that "no claim of eleven leagues of land or more shall be valid; and all titles for more than one league and one labor of land (Empresario's excepted) shall be null and void and of no effect." It was provided further in the resolution that all grants issued to any individual since the Consultation had ordered the land offices closed should be null and void.

Since the land question appears to have been by far the most troublesome issue the convention had to face and since the public lands of Texas have played such a significant part in its history, it seems necessary to give something of the historical background concerning this question and to trace its progress through the convention with as much detail as the scant records will permit. Therefore, we shall break the continuity of the account of the general proceedings of the convention and follow this one issue through to the final shape of its solution in the finished constitution. [Several pages which trace the history of the land question are here omitted.]

Let us now return to the convention where we left it with the introduction of Potter's land resolution of March 8, in which he suggested that the committee on the constitution inquire into the propriety of nullifying all land grants of more than one league and one labor in extent. Naturally the proposal caused something of a furor, although our information about it does not enable us to speak with certainty about what actually happened. It is not likely that the proposal ever had any chance of being adopted in its radical shape; but it placed the land question squarely before the convention, and must have frightened those interested in land grants. The resolution was seriously debated. Potter spoke at langth, and Collinsworth followed in opposition. Rusk opposed it, Potter took the floor again asking the privilege of being allowed to "explain," and Ellis (Grimes was presiding), Thomas, and Parmer spoke in favor of it. Potter's resolution was considered in the committee of the whole and

rejected. Hence we have no record of the vote. In his diary for that day, W. F. Gray states, "and the land question also requires much log rolling to make it suit the existing interests or selfish views of members. The constitution gets on slowly."

On the morning of Wednesday, March 9, Mr. Parmer, for the committee on the constitution, reported the first draft of that instrument. Section 11, under the heading of "General Provisions," provides that there shall be a tribunal from whose decision there shall be no appeal, for adjudication of all land titles; no claim to be confirmed by said tribunal until Congress shall have passed on the same; nor shall Congress act on any claim or grant which originated previous to the adoption of this constitution, before the claim shall be recommended by said tribunal. Section 15 of the "General Provisions" declared void, "sales of land made by the legislature of Coahuila and Texas, located in Texas, and all lands, the location of which are unauthorized by law, and all grants, the conditions whereof have not been complied with; and all grants or titles issued in violation of the laws of the consultation; and all titles that may be hereafter issued unless under the authority of this constitution; and all grants that may have been antedated." It was provided that grants secured under the colonization laws should not be invalidated. Section 12 of this article required that lands should be sold and never given away, but it was provided that this should not prevent congress from providing for the army. Furthermore, section 13 provided for giving land to citizens and soldiers.

While this first draft of the constitution was not so drastic in the matter of invalidating land grants as the Potter proposal, it must have terrified the speculators, nevertheless. However, it was not destined to maintain this shape in the final draft of the constitution. . . .

On the afternoon of Monday, March 14, Potter proposed that a committee of five be appointed to draft a provision for the constitution on the subject of lands. It was carried, and Potter, Carson, Childress, Fisher and Coleman made up the committee which was appointed. On the same day Conrad proposed a schedule of land bounties to be given soldiers, each soldier to be given from 320 to 1280 acres of land varying with the length of his service. Gray refers to this resolution and predicts that it will pass since "the military interest had a great ascendency in this body." His prediction was sound, for one of the last acts of the convention was to pass this resolution with certain amendments. However, this did not become a part of the constitution.

Potter reported for his committee on lands on March 15, and his report was referred to the committee on the constitution to correct its phraseology. No copy of his report is to be found in the papers of the convention, but it does not seem that any changes of consequence were made in its provisions.

The constitution as finally adopted makes no provision for a land tribunal. It provides for giving land to citizens and states how much they shall have. It declares null and void grants made by the legislature of Coahuila and Texas in 1834 to John T. Mason of New York and other grants made under the law of March 14, 1835, wherein eleven hundred leagues were granted to sundry individuals. It declares void all eleven league claims located within twenty leagues of the boundary of Texas and the United States, all surveys and locations made since the act of the late Consultation closing the land offices, and all titles to land granted since that time. In the future no land titles should be granted except on the authority of the convention or of Congress. There should be a general land office created to have charge of the administration of the land policy of the Republic.

The land provision incorporated in the constitution was clearly a compromise measure. Our information about it is meager, but it is evident that there were two well-defined factions; one, led by men like Potter and Ellis, who would have nullified not only every claim that appeared to have originated in an illegal or corrupt transaction, but other claims as well which were perfectly legal but which grew out of a land policy that they considered unwise; the other, represented by Rusk, Collinsworth and others, who did not favor an invalidating policy. They compromised by invalidating those eleven league grants which were clearly illegal in that they violated the federal law in the matter of location in the boundary strip, together with what appeared to them to be the worst of the large grants made by special acts of the legislature. . . .

The Work of the Convention; Completing the Constitution

After this survey of the land question which has taken us so far afield, let us turn again to the regular course of procedure in the convention. We have noted that the first draft of the constitution was reported March 9. This draft is crude and evidently was intended merely as a working basis. There are many details which were changed in the final copy; but a comparison in detail between the two copies would prove tedious and of no great value for the purposes of this paper. We have noted the changes in regard to the article on the public lands.

Probably the most significant characteristic of the first copy which was changed by the final act had to do with the election of the president. Section two of article three in the first report provided that in case no candidate should receive a majority of the popular vote for president, the house of representatives should choose one of the two candidates receiving the highest votes. It is easy to see that such an arrangment would frequently leave the choice of a president to the house of representatives; but as finally adopted the matter was left entirely to the popular vote.

Another significant change made had to do with the importation of slaves. The first copy provided that congress *may* forbid importation of slaves from Africa, but section nine of "General Provisions" in the final constitution defines the practice of the African slave trade as piracy.

It is not possible to determine how the copy as proposed by the committee was developed into the final shape the constitution took. Most of the work was done in committee of the whole, concerning which we have no record. Furthermore, at times when the record covers what was done, the convention was evidently using a copy of the constitution unlike any to be found in any of the papers left in the records. So many changes were made that the document was turned back to Parmer and his committee for a complete rewriting. He reported again Sunday afternoon, March 13, but this draft is not published in Gammel and it is doubtful whether or not a certain copy in the papers and journals of the convention now in the State Library is the Parmer copy.

Gray tells us that a "very pretty debate" occurred on the 13th on the subject of imprisonment for debt. Rusk proposed to prohibit imprisonment for debt except in cases of fraud. Potter, Childress, Carson, and Parmer favored a proposal to forbid imprisonment for debt under any pretense whatever. Collinsworth and Thomas joined Rusk in his fight for his proposal.

On the 14th, on the motion of Rusk, the constitution was referred to a committee of five with directions "to correct errors and phraseology." Gazley, Hamilton, Gaines, and Everett were placed on this committee with Rusk as chairman. By a process of elimination it is not difficult to arrive at the conclusion that Rusk, the only one of the five who ever manifested great ability at such duties, did most of the work in this final revision. However, as has been noted, the convention continued to amend the instrument after Rusk's committee reported, so that this committee cannot be held altogether accountable for the final phraseology.

The record does not show that all the constitution was ever read for final approval or ever approved. Parts of it had been adopted section by section, but the record of adoption does not cover it all. The last mention of the constitution in the records of the convention is at the three o'clock session on March 16. At this occasion the convention amended and approved section twelve of "General Provisions," but the constitution as printed has but eleven sections in the "General Provisions."

However, Gray's diary is much more illuminating in regard to the events of the last day or two of the convention. On March 16, he writes that some members are going home, that great confusion and irregularity prevails. He states that at the close of the afternoon session the body adjourned till nine o'clock, but met after supper

"spontaneously." The constitution was not yet ready, and the body adjourned till ten o'clock that evening. At ten it took up the constitution, which was finally adopted at twelve. Then, he states, they organized a provisional government and swore in the officers at four a. m., and adjourned till nine o'clock. There was much confusion at the last session on the morning of March 17, caused by an erroneous report that the enemy's cavalry had been observed the day before crossing the Colorado at Bastrop, sixty miles away.

Analysis of the Constitution

The constitution of the Republic of Texas is a composite structure of portions of the Constitution of the United States and of several of the state constitutions in effect at that time. It does not appear that any one state constitution was followed; and where material from the Constitution of the United States was incorporated the wording was frequently changed, sometimes to no apparent advantage. Indeed, one is inclined to feel that it would have been much better to have followed more literally Gouverneur Morris's lucid English of the federal Constitution.

The preamble follows that of the Federal Constitution, except that it leaves out "more perfect Union" and changes the wording and punctuation slightly.

Article one provides for the tripartite system of government and describes the structure of the legislature and the manner of choosing the members, and gives certain requirements as to procedure, and as to suffrage requirements. A comparison of certain sections of this article with the corresponding provisions of a number of state constitutions reveals the fact that there is nothing unique or original in the Texas instrument.

Section three of this article, providing for annual elections for members of the house of representatives may have been adapted from any one of a dozen states. The provision of section seven, that free or slave negroes and Indians are not to be counted in determining the apportionment in congress, may have been taken from any one of the several southern state constitutions. Other sections might be traced in the same manner, revealing a large number of possible sources. Indeed, it may be said that in the matter of choosing legislators, in the structure and composition of the legislature, and in its rules of procedure, the congress of the Republic of Texas was nothing more than a state legislature with its name changed.

Article two sets forth the powers of congress. Naturally state constitutions could not be followed in framing this provision. Here we find an interesting adaptation of material drawn from article one, section eight of the Constitution of the United States. Paragraph one of that section of the Federal instrument reads: "The congress

shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States." The corresponding provision in the Texas instrument reads: "Congress shall have power to levy and collect taxes and imposts, excise and tonnage duties; to borrow money on the faith, credit, and property of the government, to pay the debts and provide for the common defense and general welfare of the Republic." It will be seen that the principal change the Texans made was in the matter of punctuation, and arrangement of phrases, and that nothing is said about uniformity. What they intended this expression to mean is a matter that is difficult to determine. However, it would seem that they intended: (1) to delegate taxing power to congress, and (2) to delegate borrowing power for purposes of paying the debts and providing for the common defense and general welfare of the Republic. No doubt they were acquainted with Joseph Story's Commentaries on the Constitution of the United States, and he had given that interpretation to the "general welfare clause" in the older constitution. That is, he said it should be interpreted to read: "The congress shall have power to lay and collect taxes, duties, imposts and excises, *in order* to pay the debts, and to provide for the common defense and general welfare of the United States." However, Story says that "some minds of great ingenuity and liberality of view" have taken the position that it gave to Congress broad powers to legislate for the general welfare of the nation. It appears that the Texans were inserting a questionable expression in their constitution, and it might be urged that they showed a lack of constructive ability in their failure to find a different expression, the meaning of which could never be brought into question. But this would have been hard to do.

In the rest of the section on the powers of congress the Texans followed the Constitution of the United States in delegating to that body the power to regulate commerce, coin money, fix standards of weights and measures, establish post offices and post roads, grant patents and copyrights, declare war, grant letters of marque and reprisal, regulate captures, provide an army and navy, call out the militia to suppress insurrection and repel invasions. To these powers they added the right to grant charters of incorporation, and to pass laws necessary to carry out the foregoing "express grants of power" and "all other power granted the government or any officer."

In this matter the framers appear to have been inconsistent in following the Constitution of the United States, which provides for a lawmaking body with delegated powers and none other, leaving many powers to the states or to the people. The Texans were creating a central or unitary government that would have to exercise all the powers of sovereignty except that retained by the people. It is

true that there are some delegations of power besides those noted above, but the sum total of these delegated powers represents but a part of the many things the legslature of such a government would have to do. It might have been more logical to have given congress a general grant of legislative power and then to have applied such limitations as seemed to be expedient.

Article three of the Texas constitution provides that the executive authority shall be vested in a president to be elected by the people. He should serve three years and should not succeed himself in office. The prohibition against the president's succeeding himself was probably inserted as a result of an aversion for the Mexican system, where the president had been prone to use his power to influence elections. The powers of the president were much like those of the President of the United States. However, there was a prohibition against the president's leading an army in the field except by the consent of congress. This, likewise, was incorporated because of a dislike of the Mexican system where presidents had spent so much time with the army.

Furthermore, the cabinet system was definitely provided for in a section which authorized the president "to appoint a secretary of state and such other heads of departments as may be established by law."

Article four sets forth the structure of and the plan of operation of the judiciary. The plan followed that commonly in use in the southern and western states, but a comparison of the texts does not reveal that it was copied from any one state. There should be a supreme court and such inferior courts as congress might establish. Provision was made for dividing the Republic into districts and for the appointment of district judges and attorneys. These district courts were to be courts of first instance, while the supreme court should be made up of a supreme judge and the judges of the district courts. Unlike the United States plan the judges and district attorneys were to be appointed by a joint ballot of both houses of congress. This practice was common among the states.

The Declaration of Rights contains nothing new and consists substantially of what one can find attached to the constitution of almost any state. Section one, declaring that all men when they form a social compact have equal rights, is very similar to a provision found in the Alabama constitution. Section three, prohibiting the state from showing preference to any religion is much like the first clause of the third amendment to the Constitution of the United States. Section six, guaranteeing jury trial and containing the "due process of law" clause is quite similar to that of Mississippi. It appears that the framers of this article had before them a copy of the Constitution of the United States and that of several of the southern and western states, and that they gathered from each whatever gems of political

philosophy struck their fancy. But they rarely ever quote *verbatim;* at least a word or two will be changed.

Article five is short and appears to have been sandwiched in with little purpose. It forbids ministers of the gospel to hold office in Texas and gives the oath that officers shall take.

Under the heading of "Schedule" a number of matters peculiar to Texas are dealt with. It is provided that the laws in force should continue until repealed unless they were at variance with the terms of the constitution, and a plan is set forth for creating a temporary government to serve until the voters can pass on the constitution.

A number of items are grouped together under the heading "General Provisions." It is stated that congress shall provide for a system of education; provision is made for the naturalization of persons who have been in the Republic for a period of six months; persons who leave the country to escape military service shall forfeit their lands; slaves shall remain as such, and congress shall not emancipate them; free negroes are forbidden to reside in the state; the importation of negro slaves except from the United States is made piracy; each head of a family is to have a league and a labor of land; and the land grant to John T. Mason and certain other land grants heretofore noted are declared null and void.

The constitution of the Republic of Texas has the virtue of brevity, and its makers did not enfeeble the government they set up by numerous restrictions. Their following so closely the Federal Constitution and that of the states of the American Union produced an awkward result in that these instruments were framed to work under a federal and not a unitary plan of government. Yet, even this had its advantages, for in borrowing these terms and expressions from the older constitutions they were getting material that they understood and which had been clarified and defined by decades of court interpretation. It was not a time for experimenting; they did not even have time for much deliberation. Their constitution worked, and that is the correct test.

Adopting the Constitution; the Mystery of the Official Copy

The events that followed the work of the convention at Washington are well known. The people of western and middle Texas fled before the approach of the Mexican forces, until Houston's army won the victory at San Jacinto, April 21, 1836, and stopped the invasion. But the terror and confusion had been so great, and rumors of another Mexican invasion continued with such persistency, that the provisional government did not deem it wise to call an election until public confidence was in a measure restored. However, on July 23, 1836, President Burnet issued a proclamation calling an election to be held on the first Monday in September to elect officers and pass

on the constitution. The voters were to decide on two distinct questions. First, they were to vote for or against the constitution as it "now" stands, and, second, they were to give or deny their assent to authorize congress to amend the instrument.

The idea of authorizing congress to amend the constitution evidently arose as a result of criticism that had been made in regard to it. However, it seems that most people were of the same opinion as that of William H. Jack, who, in a public reply to an inquiry made of him as to what he thought of vesting congress with conventional powers to amend it, stated:

"When I first read the constitution, as adopted by the convention, I was of opinion that some errors had crept into it, and hence was in favor of submitting to the people, whether they would adopt it absolutely or clothe congress with powers to amend it. . . ." Then Jack concludes by stating that on subsequent reflection it is his opinion that it ought to be adopted as it "now stands . . . believing that in the present unsettled state of the country, less injury will result from its adoption than by making amendments at this time."

At the election in September the constitution was adopted overwhelmingly and the power of amendment was withheld from Congress; and on Monday, October 3, 1836, the first Congress of the Republic assembled.

Before concluding this paper it may be worth while to take some notice of the history of the original copy of the constitution. An examination of the papers of the convention not only fails to reveal the official copy of that instrument, but we are unable to find even a complete draft of it. The official copy is not to be found in the office of the Secretary of State, and no one connected with that office knows anything about it. This has caused some writers to conclude that the government of the Republic never came into the possession of the official document, if one ever existed. Another foundation for this point of view is the account given by John J. Linn, who was elected, together with J. M. Carbajal, as a delegate from Victoria, but who failed to attend the convention because the immediate approach of Santa Anna's forces necessitated his looking after his family. He states that he learned from Jesse Grimes, who was a member of the convention, that the constitution was "adopted at a late hour on the night of the seventeenth of March, but was neither engrossed nor enrolled for signatures of the members prior to the adjournment next day." He states that the secretary was instructed to enroll it for presentation, but that he took it to Nashville, Tennessee, where it was published in one of the papers, from which it was reproduced by a Cincinnati paper, and from the latter copied by the *Telegraph and Texas Register* of August 3. Since no enrolled copy was in existence, the printed one was recognized.

R. M. Potter, who got his information from Dr. Miller, "a gentle-

man who was prominent in the affairs of Texas both before and after the Revolution," gives a different version of the affair. He states that Kimble took the instrument away, that the provisional government found themselves without an authentic copy, and that in their desperation they made a copy of their own, and published it. However, the original copy was sent in to them after a time; but they decided to suppress it and to use their own manufactured document. A comparison of the last pages of the Journals with the printed constitution gives a little color to Potter's story, for we find the convention adopting finally the twelfth section of the article on "General Provisions" when the printed constitution contains but eleven sections in that article. Other discrepancies may be observed, also. However, the Journals are evidently not complete, and we have a very poor record of what took place on the hectic night of March 16–17 when the constitution evidently was adopted, although the official record does not show that it was.

However, while preparing this article the writer located and managed to borrow a copy of the constitution of the Republic of Texas printed together with the Declaration of Independence in Washington, D. C., and bearing the date May 22, 1836. The instruments were printed on the authorization of Robert Hamilton and Geo. C. Childress, plenipotentiaries from the Republic of Texas to the United States of America. A careful comparison of this copy with that ratified by the voters of Texas does not reveal any difference of consequence.[1] Following the constitution is the statement of H. S. Kimble, secretary of the convention to the effect that it is a true copy from the original filed in the archives of the convention. Kimble certified to the copy on March 17, 1836. Childress and Hamilton left Texas immediately after the convention adjourned and probably took this copy along with them. They arrived in Washington about May 22 or a few days thereafter and naturally had these instruments printed as soon as possible in order to make a better presentation of the Texas cause to the administration at Washington. There is nothing to indicate that the printing work was not finished with reasonable promptness, and if so, there was plenty of time for some of these copies to have been taken back to Texas before the constitution was published there in August.

In a note of August 9th, to President Burnet, William H. Jack, Secretary of State, wrote: "I have, after much difficulty, succeeded

[1] There is considerable difference in punctuation and several signers are missing in the case of the Washington copy. For instance, the names of Samuel A. Maverick, John W. Moore and Joseph Wert are not signed to the Washington copy of the constitution; and S. Rhoads Fisher, John W. Moore and A. Briscoe are not signed to the Declaration of Independence. The name of Asa Brigham, which does not appear on the copy of the Declaration of Independence in the office of the Secretary of State at Austin, is among the signers of the declaration on the Washington copy.

in having the constitution and writs of election published. I have ordered 250 copies, of the next paper, to contain our Constitution." This was a reference to the first publication in Texas of the constitution, which was made through the *Telegraph and Texas Register*, and the difficulty to which Jack refers was probably nothing more than the fact that there was no press in Texas to publish official documents and proclamations until that paper resumed publication in August. Thus, it seems reasonable to conclude that, even if the original constitution was not available, it is not probable that the provisional government depended on newspapers to secure its copy from which the instrument was copied for official publication. However this may be, the story of an improvised or "manufactured" official copy cannot be longer seriously considered. It would have been impossible for President Burnet and all his helpers to have improvised an instrument which matches so perfectly the copy of the constitution carried away by Hamilton and Childress and printed in Washington in May.

CHAPTER XXIV

THE FALL OF THE ALAMO

Compiled by Eugene C. Barker

[This account of the siege and fall of the Alamo is compiled chiefly from contemporary documents. Read: Garrison, *Texas,* Chapter XVIII; and Barker, Potts, and Ramsdell, *A School History of Texas,* 114–121; Castañeda, *The Mexican Side of the Texas Revolution,* 13–15, 101–104.]

I. Travis's Heroic Letter of February 24

[On February 23, at three o'clock in the afternoon, Travis dispatched a hasty note to Andrew Ponton, alcalde of Gonzales, saying: "The enemy in large force is in sight. We want men and provisions. Send them to us. We have 150 men and are determined to defend the Alamo to the last. Give us assistance." The next day he wrote the letter that has been called the most heroic document in American history.]

Commandancy of the Alamo.
Bejar, Feb'y 24th, 1836.

To the People of Texas and all Americans in the World.

Fellow Citizens and Compatriots: I am besieged, by a thousand or more of the Mexicans under Santa Anna. I have sustained a continual bombardment and cannonade for 24 hours and have not lost a man. The enemy has demanded a surrender at discretion, otherwise, the garrison are to be put to the sword, if the fort is taken. I have answered the demand with a cannon shot, and our flag still waves proudly from the walls. *I shall never surrender or retreat. Then,* I call on you in the name of Liberty, of patriotism and everything dear to the American character, to come to our aid with all dispatch. The enemy is receiving reinforcements daily and will no doubt increase to three or four thousand in four or five days. If this call is neglected I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due to his own honor and that of his country. Victory or Death.

William Barrett Travis, Lt. Col. Comdt.

P. S. The Lord is on our side. When the enemy appeared in sight we had not three bushels of corn. We have since found in deserted houses 80 or 90 bushels and got into the walls 20 or 30 head of beeves. Travis.

II. Governor Smith's Appeal for Reinforcements

[In reply to Travis's note of the 23d to Andrew Ponton, thirty-two men marched from Gonzales to support him, and, passing through the enemy's lines, entered the Alamo on the night of March 1. Ponton sent the letter to San Felipe, and on February 27 Governor Smith published in handbill form an appeal to the people of Texas for reinforcements.]

Fellow Citizens and Countrymen: The foregoing official communication from Col. Travis, now in command at Bexar, needs no comment. The garrison, composed of only 150 Americans, engaged in a deadly conflict with 1,000 of the mercenary troops of the Dictator, who are daily receiving reinforcements, should be a sufficient call upon you without saying more. However secure, however fortunate, our garrison may be, they have not the provisions nor the ammunition to stand more than a thirty days' siege at farthest.

I call upon you as an officer, I implore you as a man, to fly to the aid of your besieged countrymen and not permit them to be massacred by a mercenary foe. I slight none! The call is upon ALL who are able to bear arms, to rally without one moment's delay, or in fifteen days the heart of Texas will be the seat of war. This is not imaginary. The enemy from 6,000 to 8,000 strong are on our border and rapidly moving by forced marches for the colonies. The campaign has commenced. We must promptly meet the enemy or all will be lost. Do you possess honor? Suffer it not to be insulted or tarnished! Do you possess patriotism? Evince it by your bold, prompt and manly action! If you possess even humanity you will rally without a moment's delay to the aid of your besieged countrymen!

But no response could be made to this appeal in time to save the garrison.

III. Why Fannin Failed to Reinforce Travis

[At the same time that Travis wrote to Ponton he sent a messenger to Fannin at Goliad, asking for assistance. Fannin had some four hundred and twenty men there, and on February 26 he started with most of them for San Antonio, but shortly afterward changed his mind and returned to the fort at Goliad, which he began to strengthen. The account of his movements and the reasons therefor are given in a letter written by his aid, John Sowers Brooks on March 2].

We marched at the time appointed, with . . . nearly the whole force at Goliad, leaving only one Company of Regulars to guard the Fort. Our baggage wagons and artillery were all drawn by oxen (no broken horses could be obtained) and there were but a few yokes of them. In attempting to cross the San Antonio River, three of our wagons broke down and it was with the utmost labor and personal hazard, that our four pieces of cannon were conveyed safely across. We remained there during the day, with our ammunition wagon on the

opposite side of the River. During the night, some of the oxen strayed off and could not be found the next morning. Our situation became delicate and embarrassing in the extreme. If we proceeded we must incur the risk of starvation, and leave our luggage and artillery heind. The country between us and Bexar is entirely unsettled, and there would be but little hope of obtaining provisions on the route and we would be able only to carry 12 rounds of cartridges each. Every one felt an anxiety to relieve our friends, who we had been informed, had retired to the Alamo, a fortress in Bexar, resolved to hold out, until our arrival. Yet every one saw the impropriety, if not the impossibility of our proceeding under existing circumstances and it was equally apparent to all that our evacuation of Goliad, would leave the whole frontier from Bexar to the coast open to the incursions of the enemy, who were then concentrating at Laredo and the provisions, clothing, military stores, et cetera, at Dimmitt's Landing and Matagorda, perhaps all that were in Texas, would eventually be lost. Intelligence also reached us that the advance of Santa Anna's lower division had surprised San Patricio about 50 miles in front of our position and put the whole garrison under the command of Col. Johnson to the sword. Five of them have reached this place. Col. Johnson is one of them, and they are probably all that have escaped. Capt. Pearson of the volunteers, was killed with several others, after they had surrendered. The war is to be one of extermination. Each party seems to understand that no quarters are to be given or asked. We held a Council of War in the bushes on the bank of the River; and after a calm review of all these circumstances, it was concluded to return to Goliad, and place the Fort in a defensible condition.

IV. Travis's Last Appeal for Aid

[Travis's last messages were borne through the besieging lines by John W. Smith on the night of March 3rd. A letter to the president of the convention gave a report of the siege since February 25th.]

Commandancy of the Alamo,
Bejar, March 3, 1836.

Sir: In the present confusion of the political authorities of the country, and in the absence of the commander-in-chief, I beg leave to communicate to you the situation of this garrison. You have doubtless already seen my official report of the action of the twenty-fifth ult. made on that day to Gen. Sam Houston, together with the various communications heretofore sent by express, I shall therefore confine myself to what has transpired since that date.

From the twenty-fifth to the present date the enemy have kept up a bombardment from two howitzers—one a five-and-a-half-inch,

and the other an eight-inch—and a heavy cannonade from two long nine pounders, mounted on a battery on the opposite side of the river at a distance of four hundred yards from our wall. During this period the enemy have been busily employed in encircling us in with entrenched encampments on all sides, at the following distance, to wit: In Bejar, four hundred yards west; in Lavilleta, three hundred yards south; at the powder house, one thousand yards east of south; on the ditch, eight hundred yards northeast, and at the old mill, eight hundred yards north. Notwithstanding all this, a company of thirty-two men from Gonzales, made their way into us on the morning of the first inst. at three o'clock, and Colonel J. B. Bonham (a courier from Gonzales) got in this morning at eleven o'clock, without molestation. I have fortified this place, so that the walls are generally proof against cannon balls; and I still continue to entrench on the inside, and strengthen walls by throwing up the dirt. At least two hundred shells have fallen inside of our works without having injured a single man; indeed we have been so fortunate as not to loose a man from any cause, and we have killed many of the enemy. The spirits of my men are still high, although they have had much to depress them. We have contended for ten days against an enemy whose numbers are variously estimated at from fifteen hundred to six thousand men, with General Ramirez Siesma [Sesma] and Colonel Batris, the aid-de-camp of Santa Anna, at their head. A report was circulated that Santa Anna himself was with the enemy, but I think it was false. A reinforcement of about one thousand men is now entering Bejar, from the west, and I think it more than probable that Santa Anna is now in town, from the rejoicing we hear.

Col. Fannin is said to be on the march to this place with reinforcements, but I fear it is not true, as I have repeatedly sent to him for aid without receiving any. Col. Bonham, my special messenger, arrived at La Bahia fourteen days ago, with a request for aid; and on the arrival of the enemy in Bejar, ten days ago, I sent an express to Colonel F., which arrived at Goliad on the next day, urging him to send us reinforcements; none have yet arrived. I look to the colonies alone for aid; unless it arrives soon, I shall have to fight the enemy on his own terms. I will, however, do the best I can under the circumstances; and I feel confident that the determined valor and desperate courage, heretofore exhibited by my men, will not fail them in the last struggle; and although they may be sacrificed to the vengence of a Gothic enemy, the victory will cost the enemy so dear, that it will be worse for him than a defeat. I hope your honorable body will hasten on reinforcements, ammunition, and provisions to our aid as soon as possible. We have provisions for twenty days for the men we have. Our supply of ammunition is limited. At least five hundred pounds of cannon powder, and two hundred rounds of six, nine, twelve and eighteen pound balls, ten kegs of rifle powder and a supply

of lead, should be sent to the place without delay, under a sufficient guard.

If these things are promptly sent, and large reinforcements are hastened to this frontier, this neighborhood will be the great and decisive ground. The power of Santa Anna is to be met here, or in the colonies; we had better meet them here than to suffer a war of devastation to rage in our settlements. A blood red banner waves from the church of Bejar, and in the camp above us, in token that the war is one of vengence against rebels; they have declared us as such; demanded that we should surrender at discretion, or that this garrison should be put to the sword. Their threats have had no influence on me or my men, but to make all fight with desperation, and that high-souled courage which characterizes the patriot, who is willing to die in defence of his country's liberty and his own honor.

The citizens of this municipality are all our enemies, except those who have joined us heretofore. We have but three Mexicans now in the fort; those who have not joined us, in this extremity, should be declared public enemies, and their property should aid in paying the expenses of the war.

The bearer of this will give your honorable body a statement more in detail, should he escape through the enemy's lines.

God and Texas—Victory or Death.

Your obedient servant,

W. Barrett Travis, Lieut. Col. Comm.

P. S. The enemy's troops are still arriving, and the reinforcement will probably amount to two or three thousand. T.

V. Almonte's Account of the Siege

[The movements of the Mexicans against the Alamo can be followed in the words of Colonel Almonte, whose diary was found at San Jacinto by Dr. Anson Jones. The first division of Santa Anna's army reached San Antonio on February 23rd. The Texans were taken by surprise, and retired to the Alamo without resistance. Later, as we have seen from Travis's letter, they were fortunate enough to collect some supplies within the walls. Almonte's account of the next week's action is as follows:]

Thursday, 25th.—The firing from our batteries was commenced early. The general-in-chief, with the battalion de Cazadores, crossed the river and posted themselves in the Alamo; that is to say, in the houses near the fort. A new fortification was commenced by us near the house of McMullen. In the random firing, the enemy wounded four of the Cazadores de Matamoros battalion, and two of the battalion of Ximenes and killed one corporal and a soldier of the battalion of Matamoros. Our fire ceased in the afternoon. In the night two batteries were erected by us on the other side of the river, in the Alameda of the Alamo; the battalion of Matamoros was also posted

there, and the cavalry was posted on the hills to the east of the enemy, and in the road from Gonzales at the Casa Mata Antigua. At half-past eleven at night we retired. The enemy in the night burnt the straw and wooden houses in their vicinity, but did not attempt to set fire with their guns to those in our rear. A strong north wind commenced at nine at night.

Friday, 26th.—The northern wind continued very strong; the thermometer fell to 39, and during the rest of the day remained at 60. At daylight there was a slight skirmish between the enemy and a small party of the division of the east, under the command of General Sesma. During the day the firing from our cannon was continued. The enemy did not reply except now and then. At night the enemy burnt the small houses near the parapet of the battalion of San Luis, on the other side of the river. Some sentinels were advanced. In the course of the day the enemy sallied out for wood and water, and were opposed by our marksmen. The northern wind continues.

Saturday, 27th.—Lieutenant ——— was sent with a party of men for corn, cattle, and hogs, to the farms of Seguin and Flores. It was determined to cut off the water from the enemy on the side next the old mill. There was little firing from either side during the day. The enemy worked hard all day to repair some intrenchments. In the afternoon the President was observed by the enemy, and fired at. In the night a courier was despatched to Mexico, informing the government of the taking of Bexar.

Sunday, 28th.—News received that a reinforcement of 200 men was coming to the enemy by the road from La Bahia. The cannonading was continued.

Monday, 29th.—In the afternoon, the battalion of Allende took post at the east of the Alamo. The President reconnoitred. At midnight General Sesma left the camp with the cavalry of Dolores and the infantry of Allende, to meet the enemy coming from La Bahia to the relief of the Alamo.

Tuesday, March 1st.—Early in the morning General Sesma wrote from the Mission of Espada that there was no enemy, or traces of any, to be discovered. The cavalry and infantry returned to camp. At twelve o'clock the President went out to reconnoitre the mill site on the northwest of the Alamo. Colonel Ampudia was commissioned to construct more trenches. In the afternoon the enemy fired two twelve-pound shots at the house of the President, one of which struck it.

Wednesday, 2nd.—Information was received that there was corn at the farm of Seguin, and Lieutenant ——— with a party sent for it. The President discovered in the afternoon a covered road within pistol-shot of the Alamo, and posted the battalion of Ximenes there.

Thursday, 3rd.—The enemy fired a few cannon and musket shot at the city. I wrote to Mexico, directing my letters to be sent to

Bexar—that before three months the campaign would be ended. The general-in-chief went out to reconnoitre. A battery was erected on the north of the Alamo, within pistol-shot. Official despatches were received from Urrea, announcing that he had routed the colonists of San Patricio, killing sixteen, and taking twenty-one prisoners. The bells were rung. The battalions of Zapadores, Aldama, and Toluca arrived. The enemy attempted a sally in the night, at the sugar mill, but were repulsed by our advance.

Friday, 4th.—Commenced firing early, which the enemy did not return. In the afternoon one or two shots were fired by them. A meeting of Generals and Colonels was held. After a long conference, Cos, Castrillon, and others, were of opinion that the Alamo should be assaulted after the arrival of two twelve-pounders expected on the 7th instant. The President, General Ramirez Sesma, and myself, were of opinion that the twelve-pounders should not be waited for, but the assault made. In this state things remained, the General not coming to any definite resolution.

VI. Santa Anna's Orders for the Assault

[At two o'clock in the afternoon of March 5th, Santa Anna issued secret orders to prepare for storming the Alamo at four o'clock the following morning.]

To the Generals, Chiefs of Sections and Commanding Officers:

The time has come to strike a decisive blow upon the enemy occupying the fortress of the Alamo. Consequently, His Excellency, the General-in-chief, has decided that, to-morrow at 4 o'clock a. m., the columns of attack shall be stationed at musket-shot distance from the first entrenchments, ready for the charge, which shall commence, at a signal to be given with the bugle, from the northern battery.

The first column will be commanded by General Don Martin Perfecto de Cos, and, in his absence, by myself.

The Permanent Battalion of Aldama (except the company of grenadiers) and the three right centre companies of the Active Battalion of San Luis, will compose this first column.

The second column will be commanded by Colonel Don Francisco Duque, and, in his absence, by General Don Manuel Fernandez Castrillon; it will be composed of the Active Battalion of Toluca (except the company of grenadiers) and the three remaining centre companies of the Active Battalion of San Luis.

The third column will be commanded by Colonel José Maria Romero, and, in his absence by Colonel Mariano Salas; it will be composed of the Permanent Battalions of Matamoros and Ximenes.

The fourth column will be commanded by Colonel Juan Morales, and, in his absence, by Colonel José Miñon; it will be composed of

the light companies of the Battalions of Matamoros and Ximenes, and of the Active Battalion of San Luis.

His Excellency, the General-in-chief, will, in due time, designate the points of attack, and give his instructions to the commanding officers.

The reserve will be composed of the Battalion of Engineers and the five companies of grenadiers of the Permanent Battalions of Matamoros, Ximenes and Aldama, and the Active Battalions of Toluca and San Luis.

This reserve will be commanded by the General-in-chief in person, during the attack; but Colonel Agustin Amat will assemble this party, which will report to him, this evening, at 5 o'clock, to be marched to the designated station.

The first column will carry ten ladders, two crow bars and two axes; the second, ten ladders; the third, six ladders; and the fourth, two ladders.

The men carrying the ladders will sling their guns on their shoulders, to be enabled to place the ladders wherever they may be required.

The companies of grenadiers will be supplied with six packages of cartridges to every man, and the centre companies with two packages and two spare flints. The men will wear neither overcoats nor blankets, nor anything that may impede the rapidity of their motions. The commanding officers will see that the men have the chin straps of their caps down, and that they wear either shoes or sandals.

The troops composing the columns of attack will turn in to sleep at dark; to be in readiness to move at 12 o'clock at night.

Recruits deficient in instruction will remain in their quarters. The arms, principally the bayonets, should be in perfect order.

As soon as the moon rises, the centre companies of the Active Battalion of San Luis will abandon the points they are now occupying on the line, in order to have time to prepare.

The cavalry, under Colonel Joaquin Ramirez y Sesma, will be stationed at the Alameda, saddling up at 3 o'clock a. m. It shall be its duty to scour the country, to prevent the possibility of an escape.

The honor of the nation being interested in this engagement against the bold and lawless foreigners who are opposing us, His Excellency expects that every man will do his duty, and exert himself to give a day of glory to the country, and of gratification to the Supreme Government, who will know how to reward the distinguished deeds of the brave soldiers of the Army of Operations.

VII. Santa Anna's Report of the Fall of the Alamo

[Santa Anna's official report to the war department of the fall of the Alamo is in some particulars undoubtedly false—as, for example, in the numbers which he gives—but with full allowance for misrepresentations, it pictures a thrilling engagement.]

Most Excellent Sir: Victory belongs to the army, which, at this very moment, 8 o'clock a. m., achieved a complete and glorious triumph that will render its memory imperishable.

As I had stated in my report to Your Excellency of the taking of this city, on the 27th of last month, I awaited the arrival of the first brigade of infantry to commence active operations against the fortress of the Alamo. However, the whole brigade having been delayed beyond my expectation, I ordered that three of its battalions, viz., the Engineers, Aldama, and Toluca, should force their march to join me. These troops together with the Battalions of Matamoros, Ximenes, and San Luis Potosi, brought the force at my disposal, recruits excluded, up to 1400 Infantry. This force, divided into four columns of attack, and a reserve, commenced the attack at 5 o'clock a. m. They met with a stubborn resistance, the combat lasting more than one hour and a half, and the reserve having to be brought into action.

The scene offered by this engagement was extraordinary. The men fought individually, vieing with each other in heroism. Twenty-one pieces of artillery, used by the enemy with the most perfect accuracy, the brisk fire of musketry, which illuminated the interior of the fortress and its walls and ditches, could not check our dauntless soldiers, who are entitled to the consideration of the Supreme Government, and to the gratitude of the nation.

The Fortress is now in our power, with its artillery, stores, etc. More than 600 corpses of foreigners were buried in the ditches and intrenchments, and a great many, who had escaped the bayonet of the infantry, fell in the vicinity under the sabres of the cavalry.[1] I can assure Your Excellency that few are those who bore to their associates the tidings of their disaster.

Among the corpses are those of Bowie and Travis, who styled themselves Colonels, and also that of Crockett, and several leading men, who had entered the fortress with dispatches from their Convention. We lost about 70 men killed and 300 wounded, among whom are 25 officers. The cause for which they fell renders their loss less painful, as it is the duty of the Mexican soldier to die for the defense of the rights of the nation; and all of us were ready for any sacrifice to promote this fond object; nor will we hereafter, suffer any foreigners, whatever their origin may be, to insult our country and to pollute its soil.

I shall, in due time, send to Your Excellency a circumstantial

[1] Ramón Caro, Santa Anna's secretary, published in 1837 his *True Account of the First Texas Campaign,* in which he says of Santa Anna's figures: "In the report made on that date to the supreme government by His Excellency it is stated that more than 600 of the enemy were killed. I myself wrote that report and must now confess that I put down that number at the command of His Excellency. In stating the truth now, I must say that only 183 men were killed."

report of this glorious triumph. Now I have only time to congratulate the nation and the President *ad interim,* to whom I request you to submit this report.

The bearer takes with him one of the flags of the enemy's battalions, captured to-day. The inspection of it will show plainly the true intention of the treacherous colonists, and of their abettors, who came from the ports of the United States of the North.

God and Liberty!

ANTONIO LOPEZ DE SANTA ANNA.

Headquarters, Bexar, March 6, 1836.

To His Excellency, the Secretary of War and Navy, General José Maria Tornel.

VIII. RUIZ'S REPORT OF THE FALL OF THE ALAMO

[Colonel Francisco Ruiz, the alcalde of San Antonio, gives some important additional details. He says:]

On the 6th March (1836) at 3 a. m., General Santa Anna at the head of 4000 men advanced against the Alamo. The infantry, artillery and cavalry had formed about 1000 varas from the walls of the same fortress. The Mexican army charged and were twice repulsed by the deadly fire of Travis's artillery which resembled a constant thunder. At the third charge the Toluca battalion commenced to scale the walls and suffered severely. Out of 830 men only 130 were left alive.

When the Mexican army entered the walls, I with the political chief (*gefe politico*) Don Ramón Músquiz and other members of the corporation, accompanied by the curate, Don Refugio de la Garza, who by Santa Anna's orders, had assembled during the night at a temporary fortification on portero Street, with the object of attending the wounded, etc. As soon as the storming commenced we crossed the bridge on Commerce street, with this object in view and about 100 yards from the same a party of Mexican dragoons fired upon us and compelled us to fall back on the river and the place we occupied before. Half an hour had elapsed when Santa Anna sent one of his aide de camps with an order for us to come before him. He directed me to call on some of the neighbors to come with carts to carry the [Mexican] dead to the cemetery and to accompany him, as he was desirous to have Col. Travis, Bowie and Crockett shown to him.

On the north battery of the fortress convent, lay the lifeless body of Col. Travis on the gun carriage shot only through the forehead. Towards the west, and in a small fort opposite the city, we found the body of Col. Crockett. Col. Bowie was found dead in his bed in one of the rooms on the south side.

Santa Anna, after all the Mexican bodies had been taken out,

ordered wood to be brought to burn the bodies of the Texans. He sent a company of dragoons with me to bring wood and dry branches from the neighboring forests. About three o'clock in the afternoon of March 6, we laid the wood and dry branches upon which a pile of dead bodies were placed, more wood was piled on them and another pile of bodies was brought, and in this manner they were all arranged in layers. Kindling wood was distributed through the pile and about 5 o'clock in the evening it was lighted.

The dead Mexicans of Santa Anna were taken to the graveyard, but not having sufficient room for them, I ordered some to be thrown into the river, which was done on the same day.

The gallantry of the few Texans, who defended the Alamo was really wondered at by the Mexican army. Even the generals were astonished at their vigorous resistance and how dearly victory was bought.

The generals, who under Santa Anna participated in the storming of the Alamo, were Juan Amador, Castrillon, Ramirez Sesma, and Andrade.

The men burnt [Texans] were one hundred and eighty-two. I was an eye-witness for as Alcalde of San Antonio, I was, with some of the neighbors, collecting the dead bodies and placing them on the funeral pyre.

FRANCISCO ANTONIO RUIZ.

CHAPTER XXV

GOLIAD

By Ruby Cumby Smith

I. The Goliad Campaign

[This selection is from the writer's "James W. Fannin, Jr., in the Texas Revolution," in *The Southwestern Historical Quarterly*, XXIII, 272–283. The remainder of the article is in the same volume, pages 80–90, 171–203.]

(*a*) *The Orders to Retreat*

On March 4, 1836, Houston was elected commander-in-chief of the army of the Republic of Texas, and on March 7, he took the field with the determination of relieving Travis in the Alamo. To aid him in this determination, he sent an order from the Colorado by way of Gonzales to Fannin to meet him with all his available forces on the west side of the Cibolo. This order went through the hands of Colonel Neill, commanding at Gonzales, and it was forwarded to Fannin at Goliad, reaching there on March 11. However, on reaching Gonzales and learning of the fall of the Alamo, Houston adopted another course, and sent the following letter to Fannin:

Headquarters, Gonzales, March 11, 1836.

To Colonel J. W. Fannin, Commanding at Goliad:

Sir: You will as soon as practicable after the receipt of this order, fall back on Guadalupe Victoria, with your command and such artillery as can be brought with expedition. The remainder will be sunk in the river. You will take the necessary measures for the defence of Victoria, and forward one-third the number of your effective men to this point, and remain in command until further orders.

Every facility is to be afforded to women and children who may be desirous of leaving that place, Goliad. Previous to abandoning Goliad, you will take the necessary measures to blow up the fortress; and do so before leaving the vicinity. The immediate advance of the enemy will be confidently expected, as well as a rise of water. Prompt movements are, therefore, highly important.

Sam Houston,
Commander-in-chief of the Army.

Thus, there were two orders to retreat: (1) the one to relieve Bexar; (2) the one to retire to Victoria. I believe it is the confusing

of these orders that has led many people to believe that Fannin refused absolutely to obey General Houston. General Houston himself in a speech in the United States Senate, February 28, 1859, declared that he ordered Fannin to fall back to Victoria and that he received an answer from Fannin stating that he had received Houston's order, had held a council of war, that he had determined to defend the place and called it Fort Defiance, and had taken the responsibility to disobey the order.

From a study of the sources, we believe that General Houston himself was confusing the answer to his first order—if Fannin wrote one—as the answer to his second order. That Fannin and his men were anxious to go to the relief of Bexar has already been shown; but they were unwilling to go at the risk of all being murdered on the way and of exposing the whole country between Bexar and the coast to the enemy. Moreover, on March 10, John Sowers Brooks wrote in his last letter from Goliad before Houston's first order could have reached there that it was believed in Goliad that Santa Anna intended to detach 1000 men from Bexar to form a junction with the 650 men in San Patricio and then reduce Goliad. With this knowledge in his possession, we believe that if Fannin wrote Houston that he had taken it upon himself to disobey any order, it was this order to march to the relief of Bexar, and not the one to retreat to Victoria.

Positive evidence that Fannin was attempting to retreat to Victoria may be found in two letters which Fannin wrote from Goliad, but which fell into the hands of Urrea and were translated into Spanish and published in his *Diario* in 1838. These show that Fannin was having difficulty in retreating to Victoria, but that he was firm in his resolution to do so. The first of the letters is an order to Colonel A. C. Horton to hasten forward the cattle, horses, and mules to aid him in the retreat. An extract from it re-translated into English reads:

> Yours of yesterday received rather late in the afternoon. I wish to inform you that as soon as the party of 200 men under the command of Colonel Ward, which I look for between 9 and 10 tonight, returns, overcoming all difficulties, I shall march to Victoria in compliance with the orders of General Houston. Therefore, if you cannot advance to this point, you will probably overtake me on the way.

The second letter is to Captain Sam A. White at Victoria urging him also to hasten forward the carts, oxen, etc., for the retreat, and ordering that ammunition be sent for the army along the Colorado. An extract from it reads: "The division under the orders of Colonel Ward has not yet arrived, but as quickly as they do, we shall march upon Victoria, which point I shall defend as quickly as possible."

It is hardly possible that Fannin would have written these officers urging them to aid him in his retreat, and at the same time have written General Houston that he refused to do so.

Again, Desauque, the courier who brought the message to Fannin to retreat to Victoria, was present at the battle of Coleto, was captured there, and was shot on March 27 along with the other volunteers. It is not likely that Fannin would have sent so important a reply by another messenger, or that Desauque would have returned to Goliad after delivering the message to Houston.

Thus, the evidence examined shows that there were two orders to retreat, one to Bexar and the other to Victoria, and that Fannin, though possibly refusing to obey the first, was using every effort to obey the second.

(*b*) *The Division of Fannin's Forces*

With the arrival of the Mexican forces, the Texans, especially those in the exposed areas, began to flee towards the east. Linn tells of his work as alcalde of Victoria, in advising the people of that locality to seek places of safety. The army naturally aided in this work. On the evening of March 10, because of the personal appeal of Mr. Ayres of Refugio, Captain King with 28 or 30 men was sent from Goliad to Refugio to aid in bringing off some families there. King, on reaching Refugio, however, was confronted by the Mexicans and forced into the Mission, from which place he, nevertheless, managed to send back to Goliad for aid. Colonel Ward with 150 men was at once dispatched to King's relief, leaving on the morning of March 12. This was the first of the unfortunate occurrences which led to Fannin's capture; for if Fannin's men had not been divided, his retreat would have been sooner effected, and the men under Ward and King added to Fannin's force at the Coleto might have saved the day for the Americans. Again, Urrea would not have learned so definitely of Fannin's plans, through the captured messages, and would not have made such strenuous efforts to destroy Ward, with whom "Fannin proposed to make himself invincible."

Yet we cannot blame Fannin either for wishing to furnish protection to exposed families, or to help his own men in distress; and if the rest of his retreat could have been accomplished with haste, even after he learned of the disaster to Ward, he might have still escaped to Victoria, if he had managed skillfully. The thing which we can blame Fannin, as well as Ward and King for, was their slowness to execute any movement they undertook.

Ward reached Refugio on the afternoon of March 12 and relieved King. It was possibly his plan to return on the 14th. Bernard tells that King after being relieved straggled off to some ranches where the people had shown hostility. Another account says that King refused to serve under Ward and left. At any rate, the forces of King and Ward were separated, and thus each became an easy prey for the Mexicans.

Urrea's forces early on the morning of March 14 attacked Ward, who had sought refuge in the mission, but were forced to retire. Later in the day while attempting to dislodge Ward, Urrea was attacked by King's men from the rear. Urrea's reserve cavalry then pursued King and his men and succeeded in killing eleven of them and taking seven prisoners.

Finding himself unable to capture Ward during the day, Urrea placed guards around the mission at night to prevent Ward's escape; but almost miraculously, without Urrea's knowledge, the Americans got away, aided as Urrea says by the "darkness of the night, a strong norther, and rain." They were followed on the 15th. Sixteen were killed that day, and thirty-one made prisoners. The next day fourteen more were captured. About thirty of these prisoners, belonging mainly to King's company, were shot by Urrea's consent on March 16; the others being Mexicans were set free. The remainder of Ward's men succeeded in reaching Victoria, where on March 22, one hundred of them surrendered to Urrea. These, on March 26, were sent back to Goliad, and on March 27 were shot.

(*c*) *The Retreat from Goliad*

Houston's order to retreat to Victoria reached Fannin at Goliad either on the evening of March 13 or the morning of March 14, and Fannin set about to obey it. The messages to Colonel Horton and to Captain White, written on March 14, expressing a determination to retreat as soon as Ward returned, have already been noted. The message to Horton also says that Fannin was having difficulties in retreating. What these difficulties were cannot with accuracy be determined; but Linn tells us that it was because his men declared that they had come for a brush with the Mexicans and feared that by leaving Goliad they would lose the opportunity of having it, and that Fannin was powerless to control them. Other difficulties might have been those attendant upon the dismantling of the fort, the lack of roads between Victoria and Goliad, and the excessive cold.

Fannin, it will be remembered, looked for Ward to return between 9 and 10 o'clock on March 14. Messages were sent him daily, but these were all intercepted by the Mexicans; and nothing was heard from him till 4 p. m. on March 17, when Captain Frazier, sent out as a last resort, returned with the news of the escape of his men from the mission and the murder of King's men. Even now at Frazier's return, if Fannin had been prepared to depart at once, he might have reached Victoria that night, because Urrea had only 70 men, under Captain Ireata, between Victoria and Goliad. Again Urrea's own troops returning from Refugio were too fatigued to pursue him, and the reinforcements expected from San Antonio, 500 men of the Jimenez and San Luis batteries, which played a decisive part in the battle of

the Coleto, had not yet arrived. Yet Bernard tells us that, though the Americans realized that retreat was necessary, they did not propose to run. This is likely the reason that they were allowed to spend the 18th in useless skirmishing, though, in all probability, it was a part of Urrea's program to annoy the Americans each day till the Mexicans were ready for a final attack. This skirmishing animated the Americans; yet, as Bernard points out, it was a bad thing for them, for (1) it wasted a day for them; (2) their horses needed for the retreat were tired down by it; and (3) their oxen which had been gotten up for the purpose of drawing the carts remained a whole day without food. The slowness of these teams was one of the disastrous factors for the Americans in the retreat. The skirmishing also inspired the Americans with a false idea of their superiority in arms and gave them a false confidence in their ability to escape from the Mexicans.

Nothing more clearly shows the contempt which the Americans held for the Mexicans and the false sense of security possessed by them than do the details of this retreat. Aided by a dense fog, they started on the morning of March 19. Horton, who on March 14 had arrived to assist in the retreat, acted as scout. Having gone a mile past Manahuila Creek, or seven miles from Goliad, the entire party stopped for an hour to graze their oxen and to have breakfast. They had gone perhaps ten miles further on their slow journey when they sighted the Mexicans in their rear.

Meanwhile, Urrea on his part, had doubted that the Americans would retreat, and was preparing to lay siege to the fort. On learning, however, that the Americans had really escaped, he ordered Garay with the artillery and baggage to reconnoitre and occupy the fort, and he himself at 11 o'clock with 370 infantry and 80 cavalry started in pursuit. He got sight of the Americans at 1:30 o'clock.

The Americans now halted and shot at the Mexicans, but perceiving that the Mexicans were too far off, they took up their march again. They went perhaps a mile, when in crossing a depression their ammunition cart broke down. They were suddenly cut off by the Mexican cavalry from a wood, one-half a mile distant, which they were trying to reach, and soon found themselves completely surrounded by the enemy.

(*d*) *The Battle of the Coleto*

Fannin now completely surrounded, arranged his men in a hollow square. In the front were placed the Red Rovers and the New Orleans Greys; in the rear Duval's Mustangs, on the sides the other troops. Urrea stationed the Jimenez Battery under Salas in the front, the battery under Nuñez in the rear; Morales and his cazadores at the left, and the San Luis troops at the right. Though Urrea had no artillery, he decided to join battle at once. The American wings were

first attacked. Morales led a bayonet charge from the left, but this was repulsed. Then Urrea in person led a cavalry charge from the rear, but was forced to retire. Still a third attack was unsuccessful, and Urrea drew off his troops to await the arrival of the artillery, placing patrols around the Americans.

The battle had lasted from three in the afternoon till dark, and the Americans had fought with great bravery—a fact which Urrea repeatedly mentions in his *Diario*. Of their number seven had been killed and sixty wounded, Fannin and John Sowers Brooks being among the number wounded. The American cavalry had escaped when first overtaken, though some abandoned their horses and went to the aid of their companions. Needless to say, Urrea used their horses with which to mount his soldiers.

Survivors of the massacre picture the night of March 19 as one of great horror. The Americans were without lights, water, or provisions. For the most part they spent the night in digging an entrenchment and placing their carts and the carcasses of their two horses and of several oxen as breastworks. Escape was clearly impossible; the Americans were surrounded by the Mexicans; the night was excessively dark; to have made a dash for liberty would have necessitated their leaving their wounded at the mercy of the Mexicans, and this they would not do.

(*e*) *The Surrender of Fannin's Men*

Early next morning Urrea received a fresh supply of ammunition, two pieces of artillery and reinforcements. His number was now about 1300, while the Americans had possibly something over 200 fighting men.[1] A few rounds from Urrea's artillery and a consideration of their plight caused them to deliberate on the question of surrender. Their own artillery had been of little use the afternoon before; their gunner had been killed; John Sowers Brooks, their chief engineer, had been wounded; and in their low position the artillery could not be used. The Mexican artillery, in a higher position, showed the Americans that only complete annihilation awaited them. They had been brave enough to keep the enemy at bay in an open gun duel; but in artillery fighting they realized their inferiority. Also, without food and water, to continue fighting would be only to postpone their fate.

The Americans knew of the treachery of the Mexicans to King's men; but they had a notion that if the terms of surrender were set

[1] This is an estimate by Bernard, and is probably about 350 in excess of the real number of Urrea's men in the battle. Urrea had at this time his own forces of 550 men (*Diario*, 7) besides the 500 reinforcements of the San Luis and Jimenez Battalions from Bexar (*Diario*, 13). He says that he started in pursuit of Fannin with 360 infantry and 80 cavalry, sent back 100 of these,

down in writing, some consideration would be shown the scrap of paper. Hence, the officers urged Fannin to make an honorable capitulation, and only on this consideration was he urged by his officers to treat. Bernard declares that Fannin held out against his officers, and only agreed to raise the white flag when he learned it was their unanimous wish.

That there was a capitulation all the survivors of the massacre affirm, for they saw the officers writing; but the exact terms were not definitely proved till the original document was found by Professor E. C. Barker a few years ago in Mexico City. The American survivors had almost unanimously declared the terms to be something as follows:

1. That they should lay down their arms and surrender as prisoners of war and be treated according to the usage of civilized nations.

2. That their wounded should be taken back to Goliad and be properly attended to.

3. That all private rights should be respected.

The real terms of surrender as published in Urrea's *Diario* in 1838, and confirmed by the original in the Mexican Archives, are as follows:

Art. 1st. The Mexican troops having placed their artillery at a distance of one hundred and seventy paces and having opened fire, we raised a white flag and at once Colonels Juan Morales and Mariano Salas came in company with Lieutenant Colonel Juan José Holsinger of the Engineers, and we proposed to them to surrender ourselves at discretion, to which they agreed.

Art. 2nd. That the wounded and their commander Fannin should be treated with all the consideration possible, since we propose to surrender all our arms.

Art. 3rd. All the detachment shall be treated as prisoners of war and placed at the disposal of the Supreme Government.

Camp on the Coleto between Guadalupe and La Bahia. March 20, 1836.

B. C. Wallace (Major), J. M. Chadwick (Adjutant). Approved, J. W. Fannin (Commander).

[Added by Urrea]: When the white flag was raised by the enemy, I ordered their leader to be informed that I could have no other agreement than that they should surrender at discretion, without any other condition, and this was agreed to by the persons stated above; the other petitions which the subscribers of this surrender make will not be granted. I told them this, and they agreed to it, for I must not, nor can I, grant anything else.

This, then, means that the Americans surrendered at discretion and placed themselves at the disposal of the supreme government. The government had decreed that foreigners taken with arms in their hands were to be regarded as pirates and executed. Santa Anna had warned Urrea that he should comply with this law. It is not likely that Fannin was ignorant of this law, and certainly Urrea could make no treaty except under it. Urrea declared that the Americans surrendered in full confidence that Mexican generosity would not make their sacrifice

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but got 100 reinforcements the next morning. As he used the San Luis and Jimenez Battalions in the battle, he probably means to say that he used these in addition to the 360 infantry and 80 cavalry, making about 950 in all.

fruitless; otherwise, they would have resisted and sold their lives as dearly as possible. Holsinger[2] confirms Urrea's statement that he promised that he would use his influence with the supreme government to have the law set aside in the case of the Americans, and declares that the Americans were assured by the commissioners sent by Urrea that the Mexican government had never ordered a man shot who had trusted to its clemency.

(*f*) *The Goliad Massacre*

By March 22, all the Americans[3] had been removed from the battlefield to Goliad; on the 24th, Major Miller with 80 men from Nashville, who had been captured on landing at Copano, was taken there; and on the 26th, Ward with 80 of his men had been sent in from Victoria. On March 26, also, Urrea, who was now in Victoria, wrote Portilla, whom he had left in command of Goliad, to treat the prisoners with consideration, and to employ them in repairing houses and erecting quarters. On the same day, also, Portilla received orders from Santa Anna to have all the prisoners who had surrendered by force of arms to be shot, and gave instructions as to how to proceed about it.

Portilla vacillated all night between these orders, but at daybreak on March 27, he determined to obey Santa Anna's order, since it was superior to Urrea's. His account of how he did this is brutal in its conciseness: he gave orders to awaken the prisoners; had Colonel Miller's company separated from the rest; placed the prisoners in three divisions under Alcerrica, Balderas, and Ramirez, who had orders to shoot them. Then he sent an official account of the affair to Santa Anna; also a letter to Urrea, protesting against receiving orders as a public executioner, and complaining that he and his Indians were doubtless left at Goliad for the purpose of carrying into effect the schemes Urrea had in view.

Fannin, on account of his wound, was not marched out with the other Americans. He was unmoved when he heard that he was to be killed, but requested that he might not be shot in the head and that he might be decently buried. Both these requests were denied him: he was shot in the head, and his body was placed with the others and burned.

That Santa Anna alone was to blame for this horrible massacre is a well established fact. As head of the government, he was responsible

[2] Holsinger to Wharton, June 3, 1836. Urrea, *Diario*, 129–31. An English translation of this letter, made by Edward Gritten, is in the *Lamar Papers*.

Holsinger was a German, but was in command of the engineers in Urrea's army. He was one of the commissioners sent by Urrea to arrange the terms of surrender. Later he superintended the receiving of the arms from the Americans.

[3] The number was 234. Urrea, *Diario*, 61.

for the passing of the law that foreigners taken with arms in their hands were to be executed. He attempted to justify himself by declaring that the prisoners were very embarrassing to the commandant at Goliad; that before they had retreated they had set fire to the place, and that nothing was left but the church in which to house the Mexican sick and wounded; that the prisoners greatly outnumbered the garrison, and had constantly to be watched; that the Mexicans were poorly supplied with provisions; and that they were without cavalry to transport the prisoners to Matamoros.

Colonel Juan José Holsinger, in his letter to John A. Wharton would have us believe that Urrea did not intercede for Fannin's men, or at least that he did not inform Santa Anna of his personal promises to Fannin. Urrea vigorously denies this, and cites as proof the statement of Caro, in *Verdadera Idea,* that when Urrea wrote Santa Anna recommending that mercy be shown the Americans, he received a vigorous reprimand, in which Santa Anna expressed displeasure that Urrea should stain his triumph by a badly misunderstood compassion. Urrea also shows that, if we consider the circumstances under which Holsinger wrote this letter, we will understand that it was simply to save Santa Anna's life that he wrote it.

II. Letters from Goliad

By John Sowers Brooks

[John Sowers Brooks, the writer of the letters which follow, arrived in Texas in December, 1835. He became one of Fannin's adjutants and was killed in the Goliad massacre. These and other letters from Brooks are published in the *Quarterly* of the Texas State Historical Association, IX, 157–209.]

Letter to Miss Mary Ann Brooks

Fort Defiance, Goliad, Texas, Feb. 25, 1836.

My dear Sister:—From the hurry of a preparation to march, I have stolen a moment to write to you. An express from San Antonio de Bexar received here a few moments since, with intelligence that the Mexican Army under Santa Anna, were in sight of that place and preparing to attack it. He heard the firing of cannon after he had gained some distance towards us. He estimated their strength at from three to five thousand men. Bexar has a garrison of 156. They have retired to the Alamo, determined to hold out to the last and have solicited reinforcements from us. We have 420 men here, and have been engaged in repairing the Fort, and mounting artillery. Commanding Officer, in the field, Gen. Fannin, has made Goliad his Head Quarters, from the conviction of its importance, as being advantageously located for a depot of reinforcements, clothing, provisions and military stores. It commands the sea coast, particularly Aransas and

Matagorda Bays,—and consequently the only convenient landings for vessels of any tonnage. The only troops in the field at this time are volunteers from the United States, and they probably do not exceed 800, and perhaps one third of them are near the scene of action. He was therefore compelled to remain in this place in order to prepare it as a depot, and to forward provisions, et cetera. From the want of cavalry, we have been unable to obtain any accurate information of the enemy's movements. Thus Bexar has been left exposed and the Mexicans availing themselves of the advantages thus unavoidably offered them, have marched against it with all their force. With a forlorn hope of 320 men, we will start tonight or tomorrow morning at the dawn of day in order to relieve the gallant little garrison, who have so nobly resolved to sustain themselves until our arrival. Our force is small compared with that of the enemy. It is a desperate resort, but we hope the God of Battles will be with us—that victory will again perch on the bright little banner of Texian liberty and that the civic militia, now aroused to a sense of their danger and the proximity of their implacable and mercenary foe, will appear in their strength, that the young lion will arise in the majesty of his untried strength and our youthful Republic make herself worthy of the high destiny at which she aims. If by forced marches we can reach Bexar, a distance of more than a hundred miles, and cut our way through the enemy's lines to our friends in the Fort, our united force thus advantageously posted, may perhaps be sufficient to hold out until the militia can be collected to reinforce us. If the militia do not rendezvous promptly, I apprehend much. But the sin be upon their own heads. We have resolved to do our duty and to perish under the walls of the Alamo, if stern necessity requires it. We are but poorly prepared to meet the formidable host of Mexicans, arrayed against us.

I am now acting aid-de-camp to the Commander in chief, having resigned my appointment of the Adjutancy to the 1st Regiment. I have also been acting as chief engineer to the post and but for this occurrence, would have had it in a tolerable state of defense in a short time. The ordnance and magazine were also placed under my charge. From this circumstance, you will readily and rationally infer, that there are but few professional soldiers here, when one of my age with but few months' experience has so many important trusts confided to him. My duties have been arduous in the extreme, having besides the above appointments, frequently to drill the Regiment and companies, and this must be my excuse for not having written home as often as I might have done otherwise. By the way, I have not heard from home either by letter or otherwise since I left New York. Why have you not written?

And now my dear sister, I would ask you to look upon my situation in its proper light, and to indulge in no unnecessary fears. I am a soldier both morrally and physically. Death is one of the chances of the game I play and if it falls to my lot, I shall not murmur, and

you should not regret. I shall write to you as soon as some thing decissive occurs. We shall probably be attacked by the Mexicans on our way to Bexar, and if I should die, my services will entitle me to 1800 or more acres of land which will be valuable. It will revert to my representatives, and father should claim it. Tell him I owe Mr. Hagerty in N. Y. and a portion of it can be applied to the discharge of that debt.

We will take with us, four pieces of artillery, two sixes and two fours.—Now is the time for the people of the U. S. to do some thing for Texas. Can nothing be done in Staunton?

Give my love to all the family, tell mother to remember me, and tell them all to write to me. They are calling for me now. In the greatest haste, Ever your brother,

John Sowers Brooks.

Letter to A. H. Brooks

Fort Defiance, Goliad, Texas, Feb. 25, 1836, 10 P. M.

My dear Father:—

I wrote to Mary Ann today, and as the Express does not leave before reveille tomorrow, I thought that I might profitably employ the few moments I have obtained in writing to you, for it is possible I may never have another opportunity.

In my letter, I gave a hasty detail of our intended movements and the causes which produced them and I would refer you to it, if it has reached its destination.

From information received since the letter above referred to, was written, we are induced to believe that the Mexican force at and near San Antonio de Bexar does not exceed 3000. The Garrison which has been withdrawn from the town to the Alamo, a Fort in the suburbs, consists in 156 effective men. They are resolute and have determined to die in the ditch rather than dishonor themselves, the cause they have espoused, or the Country they represent.

We will march at the dawn of day tomorrow with 320 men, and 4 pieces of artillery,—2 sixes and 2 fours. We have no provisions scarcely, and many of us are naked and entirely destitute of shoes. But something must be done to relieve our Country. We have suffered much and may reasonably anticipate much greater suffering. But if we succeed in reaching Bexar, before the Garrison is compelled to surrender and are successful in taking the place and its gallant defenders, we shall deem ourselves amply repaid for our trials and hardships. But if we fail, I fear that our misfortunes will have an unhappy influence in prolonging the struggle in which poor Texas is engaged. We will leave a Garrison of 100 men with the hope that a portion of the Civic Militia who are embodying will be ordered here, and the remainder sent to reinforce us. If we are successful, it will prove a check to the Mexican army from which it will not readily

recover and which will ever after have a salutary influence upon our cause. But my dear Father, I frankly confess that without the interposition of Providence, we can not rationally anticipate any other result to our Quixotic expedition than total defeat. If the Militia assemble, and move promptly to our aid, we may be saved. We have less than 350 men; the force of the enemy is possibly 3,000—a vast disparity. We are almost naked and without provisions and very little ammunition. We are undisciplined in a great measure; they are regulars, the elite of Santa Anna's army; well fed, well clothed, and well appointed and accompanied by a formidable battery of heavy field and battering pieces. We have a few pieces but no experienced artillerists and but a few rounds of fixed ammunition, and perhaps less of loose powder and balls. We can not therefore, calculate very sanguinely upon victory. However, we will do our best, and if we perish, Texas and our friends will remember that we have done our duty.

In my letter to sister, I alluded to the possibility of my death, not with a view to elicit hers or your sympathy, or to excite any unpleasant feelings in my behalf. I owe Mr. Hagerty a small sum he furnished me and am desirous of pointing out some mode by which it may be repaid, if I should be unfortunate enough to fall. My services here will entitle me to 1800 or more acres of land. It will revert to my legal representatives, and I hope you will claim it and appropriate a sufficient portion of it to that purpose.

From our information, we are induced to apprehend an attack on our march to Bexar by a detachment of the enemy's cavalry. We hope they will not be in sufficient force to retard our march, much less defeat us.

I am at present acting Aid de Camp to the Commander-in-Chief and Chief Engineer of the post and master of ordnance.

It is getting late, I slept but little last night and as we must march soon in the morning, I beg you will excuse this hasty scrawl.

Give my love to mother, Norborne, Mary Ann, Hannah, Henrietta and to Richard and his family. My health is good. Farewell!

Your affectionate son,

JOHN SOWERS BROOKS.

P. S. I have not heard from home since I left. Direct your letters to the care of J. W. Fannin, Jr., Army of Texas, pay the postage to New Orleans. I have no money. I should like to have.

BROOKS.

Do not fail to write me immediately, and send me some money if possible. I am very much in want of it, I assure you. The Government has obtained a loan and will soon pay us off—when I can pay you.

BROOKS.

Give my respects to all who remember me. Tell the youth of Staunton they may now do some thing in the cause of Liberty if they will come to Texas.

Letter to Mrs. Brooks

Fort Defiance in Goliad, Head Quarters,
Army of Texas, March 2, 1836.

My dear Mother:[1]—

Letter to Miss Mary Ann Brooks

Fort Defiance, Goliad, Texas.
March 4, 1836.

My dear Sister:—

Another opportunity of writing to you occurs, and I embrace it because they are infrequent, and becoming hourly more so. The precarious channel, through which all letters must arrive at or go from this place affords, indeed, the only satisfactory explication of your mysterious silence; and the belief that yours have been intercepted or miscarried, is consoling indeed, for it renders doubtful what, in my moments of desperation, I have often feared is certain—that you had forgotten your poor, wayward brother. . . .

Perhaps a brief retrospect of the events of our campaign, up to this period, would be interesting to you. On the 24th day of January, 1836, the Georgia Battalion of Volunteers (of which I was Adjutant), consisting of four Companies, sailed from Velasco, at the Mouth of the Brazos, in two vessels. Our object was, primarily, to attack and take Matamoras, and thus form a point of rendezvous, and concentration for volunteers from the U. States, for a more extensive invasion of Mexico. Our intention was to allow Liberal principles, and support for the time, the federation of 1824, and thus revolutionize Tamaulipas, the greater portion of whose citizens are opposed to Santa Ana, and to secure our foot hold in Mexico. The fourth day, we debarked at Copano, and after a day's march, we pitched our tents at the Mission of Refugio, and waited for the promised munitions and reinforcements. They never arrived. In the mean time, our spy, who had preceded us, returned with the intelligence, that the people of Tamaulipas were opposed to any severance of the Republican bonds, and would not favor our project, if Texas declared itself independent. He also informed us, that Santa Ana was concentrating his troops, to the number, of from 7 to 12,000 men, at Matamoras, Laredo, Saltillo, Monclova, and Monterey, for the purpose of invading Texas, and punishing his rebellious subjects, with a war of extermination. We retreated to Goliad, and commenced fortifying and preparing for the

[1] For this letter see Chapter XXIII.

threatened storm. We have remained here ever since, busily employed, in getting in provisions, military stores, picketing, ditching, and mounting cannon for our defense.

Santa Ana's army is now in motion, and our almost unprotected frontier, is the destined goal of its operations. One of his divisions has already attacked Bexar, the town which was surrendered to the Americans, on the 18th Dec., 1835, by the Mexican General, Cos, which garrison consisted of only 156 Volunteers, who retreated to the Alamo, a strong fortress in the suburbs, and still held out, at our last intelligence. "Davy Crockett" is with them. The Mexicans amounted to 2000. We started with 300 men to their relief, but found it impossible to proceed, from the want of horses or oxen, to transport our baggage and artillery. While deliberating on what steps to take, intelligence reached us that 200 Mexicans, the advance guard of the division of their army, which was destined to operate against this portion of our frontier, had attacked and totally defeated, Col. Johnson and his force of 40 men at San Patricio, a town on the Rio de la Neuces, about 60 miles in front of our position. Only five escaped, among whom was Col. Johnson and Mr. Toler, a merchant. We are in hourly expectation of an attack; but, from the want of horses, we are unable to obtain any accurate information of the strength or movements of the enemy. We suppose their force to be from 1500 to 3000 men. We have but 500—all Volunteers. But we are resolved to die, to a man, under the walls we have thrown up, rather than surrender to a horde of merciless savages, who have declared their determination to adhere to none of the rules of civilized war fare; but to murder all Americans, indiscriminately. Capt. Pearson and several others were shot down, after they had surrendered at San Patricio. This on the part of the enemy, is to be a war of extermination, not directed solely against the armed soldiers in the field, but against the peaceful citizen, the helpless female, and the defenceless infant. They show no quarter; we do not require it; and, indeed, both parties seem to have tacitly contracted, that it shall neither be asked nor given. Let them pursue their course of ruthless cruelty; they will encounter spirits as stern as their own; they will find, if retaliation requires it, that we can be as deaf to the calls of mercy as they can be. If victory favors us, ample shall be their retribution, for the murdered volunteers at San Patricio.

We have just learned that Col. Grant with 22 men, has been attacked by 200 Mexicans, on the road from San Patricio to Matamoras, 15 miles from the former place, and his whole party, with the exception of two who escaped, killed or taken. Col. Grant is a prisoner. Up to this time, they have uniformly killed all the Americans they take, and it is reasonable therefore, to infer that not one of that ill fated party survived.

We will probably be attacked before I can write you again. The advance of the enemy is within 25 miles of us. If we are defeated,

it will be after a hard fight. Tell every one of the family to write to me, and mail their letters different days.

Events are thickening upon us. I will write to you again, the first opportunity that occurs. In the mean time write to me by several different mails; and if I die, reflect that it will be in a good couse.

Give my love to all the family.

Your affectionate brother,
JOHN SOWERS BROOKS.

Direct your letters to John Sowers Brooks, Volunteer Army of Texas, to the care of Col. J. W. Fannin, Jr., or to Quintana, Mouth of the Brazos, to the care of Messrs. McKinney & Williams. It has been four months since I have heard from home.

On my arrival at Goliad, I was appointed Adjutant of the Post. I have since been transferred to the General's Staff, as Aid-de-Camp.

I am nearly naked, almost barefooted, and without a cent of money. We have had nothing but beef for several days. We suffer much and labor hard in repairing the Fort.

(Endorsed on the back, "Will Mess. McKinney & Williams, please forward this letter to U. S. by first opportunity and oblige, J. S. B."

Post Marked, New Orleans, Mar. 23. Endorsed, Fort Defiance, Mar. 4, 1836.)

Letter to Mr. James Hagerty, New York, U. S.

Fort Defiance, Goliad, Texas, March 9, 1836.

My dear friend:—

I have written to you several times since my arrival in Texas; but, as I have received no answer from you, I presume my letters have miscarried. An opportunity now occurs of forwarding to Matagorda, whence it will more probably be shipped to New Orleans, than by the usual route, now infested by the enemy.

A brief retrospect of our heretofore bloodless campaign, will perhaps, be interesting to you. I write in great haste, and may possibly, omit events necessary to elucidate our conduct. Indeed, it is impossible within the compass of a single letter, to give you any idea of the manner in which our little army has been influenced by the policies of the Country; though most of them are strangers to it, and consequently unable to realize the motives which actuate the different parties.—For Texas is not, as you would probably suppose, united, in the great struggle before her. Party spirit has taken a form even more malignant than she has assumed in the U. States; and to such an extent has domestic cavilling been carried, that the Council have deposed, impeached, and arrested the Governor, while he, by an official fiat, has dissolved the Council; and thus we see the striking anomaly

of two Governors, created by different authorities, ruling in the same country.

But, to return—On the 24th day of January, 1836, the Georgia Battalion of Volunteers, in which I held a responsible office, sailed from the Brazos, under the Command of J. W. Fannin, Jr. The object of this expedition was to take the City of Matamoras, to revolutionize the State of Tamaulipas, to form a nucleus, or point of rendezvous for volunteers from the U. States, to harrass the enemy at sea, to relieve ourselves from the burden of the war by carrying it out of the Country, and to give employment to the volunteers who had lately arrived. On the 4th day we arrived at Copano, at the head of the Aransasso Bay, where we debarked, and landed our stores, munitions, and artillery. After a day's march, we pitched our tents at the Mission of Refugio, in Mr. Power's grant, and remained for a few days, in order to make cartridges and prepare our artillery, which was defective, for service. In the mean time, the scout who had been sent ahead, returned with information, that Santa Ana had already commenced the concentration of his army on our frontiers. They were rendezvousing at Matamoras, Monclova, Saltillo, Monterey, and Laredo, to the number of from 6 to 10,000 men, and designed attacking Bexar and Goliad simultaneously, with two divisions of his army, and marching the third between those points to San Felipe, where he intended fortifying. We immediately apprised Government of these facts, and fell back to Goliad with our small force of 450 men, and commenced repairing the Fort. Bexar was garrisoned by 150 or 200 men; and with this handful of 6 or 700 Volunteers, we are left by the generous Texians, to roll back the tide of invasion from their soil.

On the 23rd ult. the Mexican advance, reached Bexar, and attacked the subsequent morning with 1800 men. The gallant little garrison retired to the Alamo, a fortress in the suburbs, resolved to hold out to the last. The Mexicans made several assaults, and were repulsed with loss at every instance. On the receipt of the intelligence at Goliad, we promptly marched with 320 men and four pieces of artillery, to their aid. In marching a few miles, our oxen became weary, and we were compelled to halt or leave our baggage and artillery. While consulting on what course to pursue, we received news of the successive defeats of the parties of Cols. Johnson and Grant, in Tamaulipas, and of the approach of the lower division of Santa Ana's army on our position at Goliad. A Council of War was held in the bushes, and it was determined to return to the post we had vacated in the morning, as its abandonment would leave the road open to the settlements, and completely uncover our depot provisions, the only one now in Texas, and consequently the main stay of the Army.

The Mexicans, to the number of 700, are now in San Patricio, about 60 miles in front of our position; and another party of 200 have been discovered within 18 miles of us, between us and Gonzales.

Every thing indicates that an attack will be speedily made upon us. Their scouts, well mounted, frequently push up to our walls, and, from the want of horses, we are unable to punish them.

We have again heard from Bexar, Santa Anna has arrived there himself, with 3000 men, making his whole force 4800. He has erected a battery within 400 yards of the Alamo, and every shot goes through it, as the walls are weak. It is feared that Bexar will be taken and that the devoted courage of the brave defenders will be of no avail.

We have had no bread, for several days. I am nearly naked, without shoes, and without money. We suffer much, and as soon as Bexar falls, we will be surrounded by 6000 infernal Mexicans. But we are resolved to die under the walls rather than surrender.

You shall hear from me again as soon as possible.

I am acting Aid-de-Camp to the Commander-in-Chief, with the rank of Lieutenant. The Express is anxious to start, and I am compelled to close this letter, unfinished.

Independence has probably been declared. We are in a critical situation. I will die like a soldier.

Farewell,

JOHN S. BROOKS.

(Endorsed, "Mes. McKinney & Williams will please forward this to the U. S. by the first opportunity and oblige, J. S. B." Also "Goliad, Mar. 9, '36." Post Marked New Orleans, Mar. 28.)

Letter to A. H. Brooks

Fort Defiance, Goliad, Texas,
March 10, 1836.

My dear Father:—

I wrote to Mother and to Mary Ann a few days since; but, as the route over which the Government's courier, who carried the letters, must have passed has been infested by advanced parties of the enemy, it is possible they have been intercepted; and, as an officer will be sent to Matagorda tomorrow, I have concluded to write again.

In the letters referred to, and some others I have previously written, I gave a brief detail of the events of our campaign up to this period. As some of these epistles must have reached their destination, I will not again trouble you with a narration of incidents, which I presume, are familiar to you.

A party of 70 men, under the joint command of Col's. Grant and Johnson, have been in Tamaulipas, for the purpose of acquiring information, as to the designs of the enemy, ever since the fall of Bexar in December last. They had taken from 2 to 300 horses, for the use of the army; and were gradually retiring on this post, when half the party, with Col. Johnson at its head, was attacked by about 200 of

the enemy, and totally defeated. Six, among whom was their leader, escaped. Capt. Pearson, and two others were inhumanly butchered, after they had surrendered. They, of course, lost all their horses and arms. The party under Col. Grant, were attacked between 8 and 9 o'clock in the morning. They were bringing on a large herd of horses, and in their attempt to save them, and, at the same time, fight the enemy, who amounted to 150, they were cut to pieces. Five only escaped. Col. Grant was either killed on the ground, or is now a prisoner. Scarcely had the intelligence of these disasters to our advance in Tamaulipas reached us, when we were informed by express, that the Mexicans had entered Bexar with an effective force of 1800 men. The garrison there consisted of 156 Americans, who retreated, on the approach of the enemy to the Alamo, a Spanish fortress in the neighborhood, which was immediately invested, and has been vigorously besieged up to the date of our latest intelligence.

Immediately on receipt of the news, we promptly took up the line of march, in order to relieve them. After proceeding three miles, several of our baggage wagons broke down; and it was found impossible to get the ammunition carts or artillery over the river San Antonio. We accordingly halted. During the night our oxen strayed off. In the morning a Council of War was convened. While it was in session, a courier apprised us, that 650 of the enemy, the same, probably, who had defeated Grant and Johnson, had reached San Patricio on the Neuces and would attack our depot of provisions on the La Baca, and at Matagorda. With these facts before us, it was concluded to return to Goliad, and maintain that place, which was done.

Thirty two men have cut their way into the Alamo, with some provisions. The enemy have erected a battery of nine pounders within 400 yards of the Fort, and every shot goes through the walls. A large party of the enemy are between this and Bexar, with a design of cutting off reinforcements. Another division of 3000 Mexicans have arrived at Bexar, making their whole force now there 4800 men. The little garrison still holds out against this formidable force. It is said that Santa Ana is himself with the army before the Alamo.

It is said that Santa Ana designs driving all the Americans beyond Sabine. We have just been advised that he intends detaching 1000 men from Bexar, to form a junction with the 650 at San Patricio, and then reduce this place. We have 450 men here, and twelve pieces of small artillery. We have strengthened the fort very much; and he will find it difficult with his 1650 men to drive us from our post.

We are hourly anticipating an attack, and preparing for it. We are short of provisions, and that is now our deadliest foe. Unless we are soon supplied, we can not hold out much longer. We have had no bread for some time. We suffer much from the want of shoes and clothing.

Excuse this hasty letter. I have just returned from a weary and

unsuccessful march in pursuit of a party of Mexicans, who appeared a few miles from this place.

I have not heard from home since I have been in Texas, and I am at a loss to account for your silence.

The Convention, which met the first of this month, it is rumored, have declared Texas independent. No official or authentic information, however, has come to hand.

You shall hear from me again as soon as possible. I am Aid-de-Camp to the Commandant here. Farewell.

Your affectionate son,

JOHN S. BROOKS.

P. S. I have neither clothes nor money to buy them. The Government furnishes us with nothing,—not even ammunition. I have written nearly twenty letters home, all of them unanswered.

BROOKS.

Give my love to all the family and write.

(Endorsed "March 10th, 1836, Fort Defiance, Goliad." Post Marked, "New Orleans, April 19.")

III. GENERAL URREA'S ACCOUNT OF THE GOLIAD CAMPAIGN

[The selection which follows is from General José Urrea's *Diary*, translated by Carlos E. Castañeda, in *The Mexican Side of the Texas Revolution*, 223–230, 234–237. Urrea published his *Diary* in 1838.]

[*March 19.*] After marching two leagues, I was informed by my spies, whose activity is truly marvelous, that we were near the enemy, and that it seemed that they were not taking all the force that had garrisoned Goliad. I ordered 100 infantry to return, therefore, to protect the artillery and munitions which were being brought up, and redoubled the vigilance of the rest of my forces. At half past one in the afternoon, I overtook the enemy and succeeded in cutting off their retreat with our cavalry, just as they were going to enter a heavy woods from where it would have been difficult, if not impossible, to dislodge them. They were marching in column formation and carried nine pieces of artillery. Seeing themselves forced to fight, they decided to make the best of it and awaited our advance with firmness, arranging their force in battle formation with the artillery in the center. My troops though fatigued by the rapidity of the march, were filled with enthusiasm at seeing the enemy, for they thought that to overtake them and defeat them was all one. Although our force was inferior and we had no artillery, the determination of our troops made up the disparity.

Expecting the artillery and our munitions to reach us soon, agreeable to instructions given, I decided to engage the enemy at once.

Our fire was immediately returned by their rifles and cannon. I ordered the brave Col. Morales to charge the left with the rifle companies; the grenadiers and the first regiment of San Luís, under my immediate command, to charge the right; the remainder of the battalion of Jiménez, under the command of Col. Salas, to form itself into a column and charge the front; while the cavalry, commanded by Col. Gabriel Núñez, was to surprise the enemy's rear. These instructions having been issued, the orders were immediately carried out and a determined charge was made on the right and left flanks.

In order to obtain a quick victory, I ordered my troops to charge with their bayonets at the same time that Col. Morales did likewise on the opposite flank; and, according to previous instructions, the central column advanced in battle formation, sustaining a steady fire in order to detract the attention of the enemy while we surprised the flanks. Though our soldiers showed resolution, the enemy was likewise unflinching. Thus, without being intimidated by our impetuous charge, it manoeuvered in order to meet it; and, assuming a hammer formation on the right, they quickly placed three pieces of artillery on this side, pouring a deadly shower of shot upon my reduced column. A similar movement was executed on the left, while our front attack was met with the same courage and coolness.

Our column was obliged to operate in guerrillas in order to avoid, as far as possible, the withering fire of the enemy, who kept up a most lively fire, for each one of their soldiers had three and even four loaded guns which they could use at the most critical moment. The fire of the nine cannon, itself lively and well directed, was imposing enough; but our soldiers were brave to rashness and seemed to court death. The enemy put into play all its activity and all the means at its command to repel the charge. While defending themselves from our determined attack, they built up defences with their baggage and wagons, forming a square. It was necessary, therefore, for the officers, who vied with each other in daring, to display all their courage and the utmost firmness to maintain the soldiers at their posts—less than half a rifle shot from the enemy, in the middle of an immense plain, with no other parapet than their bare breasts. In order to protect our soldiers as far as possible, we ordered them to throw themselves on the ground while loading, raising up only to fire. In this way the distance between our force and the enemy was further decreased.

Realizing the importance of preventing the enemy from finishing its fortifications, especially in the form in which they were doing it, I tried to disconcert them with a cavalry charge on their rear, and placed myself at the head, convinced that the most eloquent language and the most imperious order is personal example. I found the enemy prepared to meet us. Although disposing of very little time, they had foreseen my operation and received me with a

scorching fire from their cannons and rifles. Our horses were in very poor condition and ill-suited for the purpose, but the circumstances were urgent and extraordinary efforts were necessary. My efforts, however, were all in vain, for after repeatedly trying to make the dragoons effect an opening in the enemy's ranks, I was forced to retire—not without indignation. I placed the cavalry in a position where it could continuously threaten the enemy, avoiding, as far as possible, their fire.

Seeing that our artillery and munitions did not arrive, my anxiety was great. In the midst of our trials and in proportion as they increased I cast furtive glances towards the point by which they were to come. But I saw no signs to ease my anxiety, for not even those that I had sent to rush our munitions returned. The sun was going down and our munitions would soon give out. They were exhausted sooner than I expected. Though I had given instructions for the infantry to be provided with four rounds to the man, this order had been neglected in part under the frivolous pretext of lightening their load. They had counted on the early arrival of what was coming up on our rear, for when we left the camp at Manahuilla our ammunition was being loaded. The party conducting it, however, lost its way and did not arrive until the following day.

I decided to make a new and simultaneous charge on all fronts to see if I could disconcert the enemy before the sad moment arrived when we would be entirely without munitions. I gave the necessary orders and, as the bugler gave the signal agreed upon, all our forces advanced with firm step and in the best order. I placed myself again at the head of the cavalry and led the charge on one of the fronts. All our troops advanced to within fifty and even forty paces from the square. So brave an effort on the part of our courageous soldiers deserved to have been crowned with victory; but fortune refused to favor us. The enemy redoubled its resistance with new vigor. They placed their artillery on the corners, flanking, in this way, our weakened columns. The fire from the cannon, as well as from the rifles, was very lively, making itself all the more noticeable in proportion as ours died out for lack of ammunition. In these circumstances, I ordered all our infantry to fix bayonets and to maintain a slow fire with whatever powder remained.

For almost an hour, this unequal contest was kept up, then I finally gave the order to retire, menacing the enemy with our cavalry, divided in two wings, in order to allow the infantry to execute the movement. Our forces gathered in orderly fashion at the designated point of reunion. I joined them there and addressed them in terms suited to the occasion, but the troops needed no exhortations, for far from being discouraged at seeing their efforts frustrated, they were burning with desire to undertake a new bayonet charge. After so many hardships, a new attempt, besides being dangerous, was in-

advisable. I concluded by saying to the soldiers just as the day closed, "Let us gather our forces, let us wait for our ammunition and artillery, let us watch the enemy during the night, and tomorrow I shall lead you to victory. You do not need your cartridges, for you have your bayonets, and your courage is boundless. The enemy is terrified and will not be able to resist any longer the charge of such brave Mexicans. I promise you a complete victory."

The soldiers were satisfied and filled with pride. I placed the infantry a little more than 200 paces from the enemy, protected from their rifles by a gentle slope. I detailed cavalry and infantry pickets to points from which they could observe the enemy. I moved the wounded to the woods which the enemy had tried to take possession of when I overtook it, and which was situated to the rear of our infantry. During the night I closed the circle formed by our advance guards and moved our scouts forward until they could observe the slightest movement in the other camp.

The enemy spent the night digging a ditch all around the square. My aides, Lieutenant-Colonel Angel Miramón and Pedro Pablo Ferino, Captain Mariano Odriosola, and the militia captain, José de la Luz Gonzáles—were with me, all harrassing the enemy and keeping it awake with false bugle calls. I also visited our outposts. The enemy's cavalry, which was small in number, had escaped the moment we overtook them, thanks to their good horses. Some there were who, choosing the fate of their brave companions, dismounted and abandoned their horses. I took advantage of this to replace the worst mounts of our dragoons.

[March 20.] At daybreak I inspected the position of the enemy, which I found to be the same as that of the day before, with the exception of the trenches formed by their baggage and wagons, now reenforced by the piling up of the dead horses and oxen, and by the digging of a ditch.

I issued orders for the battalion of Jiménez to take its position in battle formation; the rifle companies were to advance along the open country; and the cavalry, in two wings, was to charge both flanks.

The troops having taken up their respective positions, rations were issued consisting of hard tack and roast meat. The latter was furnished by the teams of oxen that had been taken from the enemy the night before. Those that remained to the enemy were killed by sharpshooters detailed for the purpose. The day before, some of the infantry had taken cartridges belonging to the cavalry and as a result some of the rifles were loaded but they were fixed on this day.

At half past six in the morning the ammunition arrived, which, as stated before, had been lost the day before; and although more had been ordered from Colonel Garay, this had not arrived up to this time. One hundred infantry, two four-pounders (not a twelve-

pounder), and a howitzer were added to my force. I placed these as a battery about 160 paces from the enemy protected by the rifle companies. I ordered the rest of the infantry to form a column that was to advance along the left of our battery when it opened fire. As soon as we did this and began our movement as planned, the enemy, without answering our fire, raised a white flag. I immediately ordered my battery to cease firing and instructed Lieut. Col. Morales, Captain Juan José Holzinger, and my aide, José de la Luz González to approach the enemy and ascertain its purpose. The first of these returned soon after, stating that they wished to capitulate. My reply restricted itself to stating that I could not accept any terms except an unconditional surrender. Messrs. Morales and Salas proceeded to tell this to the commissioners of the enemy who had already come out from their trenches. Several communications passed between us; and, desirous of putting an end to the negotiations, I went over to the enemy's camp and explained to their leader the impossibility in which I found myself of granting other terms than an unconditional surrender as proposed, in view of which fact I refused to subscribe to the capitulation submitted consisting of three articles. Addressing myself to Fannin and his companions in the presence of Messrs. Morales, Salas, Holzinger and others I said conclusively, "If you gentlemen wish to surrender at discretion, the matter is ended, otherwise I shall return to my camp and renew the attack."

In spite of the regret I felt in making such a reply, and in spite of my great desire of offering them guarantees as humanity dictated, this was beyond my authority. Had I been in a position to do so, I would have at least guaranteed them their life. Fannin was a gentleman, a man of courage, a quality which makes us soldiers esteem each other mutually. His manners captivated my affection, and if it had been in my hand to save him, together with his companions, I would have gladly done so. All I could do was to offer him to use my influence with the general-in-chief, which I did from the Guadalupe.

After my ultimatum, the leaders of the enemy had a conference among themselves and the result of the conference was their surrender according to the terms proposed. They immediately ordered their troops to come out of their intrenchments and to assume a parade formation. Nine pieces of artillery, three flags, more than a thousand rifles, many good pistols, guns, daggers, lots of ammunition, several wagons, and about 400 prisoners fell into the hands of our troops. There were ninety-seven wounded, Fannin and several others of the leaders among them.

I gave orders for all the baggage to be taken up, the prisoners to be escorted to Goliad by 200 infantry, and the wounded who were unable to walk to be carried in the carts or wagons taken from the enemy. They had lost 27 killed the day before. I lost 11 killed, and

49 soldiers and five officers were wounded. Captain José María Ballesteros was seriously injured.

Right on the battlefield, I wrote a note to Colonel Garay telling him of the outcome and asking him to make a report to the general-in-chief, for it was impossible for me to do it at the time because I was marching to Guadalupe Victoria without stopping to rest.

Through a dispatch from Colonel Garay, I learned that he had taken possession of Goliad where he had found eight pieces af artillery which the enemy had been unable to take with them. When he took possession, the houses of the city were still burning, having been set on fire by the enemy before it retreated. Combustible materials were left to prolong the fire, and very few houses were saved.

According to papers taken from Fannin he had called for reenforcements to come to his help and there were good reasons to believe that the forces dispersed at Refugio might make their way to Victoria. I left my instructions for Colonel Morales to conduct all the armament and war materials taken from the enemy to Goliad. With the greater part of the infantry, one cannon, and all the cavalry available, I started for Victoria in order to occupy it and the Guadalupe before the enemy did so. I spent the night in the ranch of Coleto, ten miles distant from that place. . . .

On the 27th, between nine and ten in the morning, I received a communication from Lieutenant-Colonel Portilla, military commandant of that point [Goliad], telling me that he had received orders from His Excellency, the general-in-chief, to shoot all the prisoners and that he was making preparations to carry out the order.

This order was received by Portilla at seven in the evening of the 26th, and although he notified me of the fact on that same date, his communication did not reach me until after the execution had been carried out. All the members of my division were distressed to hear this news, and I no less, being as sensitive as my companions, who will bear testimony of my excessive grief. Let a single one of them deny this fact! More than 150 prisoners who were with me escaped this terrible fate; also those who surrendered at Cópano and the surgeons and hospital attendants were spared. Those which I kept, were very useful to me as sappers.

I have come to an incident that has attracted the attention of foreigners and nationals more than any other and for which there have not been lacking those who would hold me responsible, although my conduct in the affair was straightforward and unequivocal. The orders of the general-in-chief with regard to the fate decreed for prisoners were very emphatic. These orders always seemed to me harsh, but they were the inevitable result of the barbarous and inhuman decree which declared outlaws those whom it wished to convert into citizens of the republic. Strange inconsistency, in keeping with the confusion that characterized the times!

I wished to elude these orders as far as possible without compromising my personal responsibility; and, with this object in view, I issued several orders to Lieutenant-Colonel Portilla, instructing him to use the prisoners for the rebuilding of Goliad. From this time on, I decided to increase the number of the prisoners there in the hope that their very number would save them, for I never thought that the horrible spectacle of that massacre could take place in cold blood and without immediate urgency, a deed proscribed by the laws of war and condemned by the civilization of our country. It was painful to me, also, that so many brave men should thus be sacrificed, particularly the much esteemed and fearless Fannin. They doubtless surrendered confident that Mexican generosity would not make their sacrifice useless, for under any other circumstances they would have sold their lives dearly, fighting to the last.

I had due regard for the motives that induced them to surrender, and for this reason I used my influence with the general-in-chief to save them, if possible, from being butchered, particularly Fannin. I obtained from His Excellency only a severe reply, repeating his previous order, doubtless dictated by cruel necessity. Fearing, no doubt, that I might compromise him with my disobedience and expose him to the accusations of his enemies, he transmitted his instructions directly to the commandant at Goliad, inserting a copy of the order to me. . . . Even after this lamentable event, I still received a letter of the general-in-chief, dated on the 26th, saying:

"I say nothing regarding the prisoners, for I have already stated what their fate shall be when taken with arms in their hands."

In view of the facts presented, and keeping in mind that while that tragic scene was being enacted in Goliad I was in Guadalupe Victoria, where I received news of it several hours after the execution, what could I do to prevent it, especially if the orders were transmitted directly to that place? This is to demand the impossible, and had I been in a position to disregard the order it would have been a violent act of insubordination.

If they wish to argue that it was in my hand to have guaranteed the lives of those unfortunates by granting them a capitulation when they surrendered at Perdido, I will reply that it was not in my power to do it, that it was not honorable, either to the arms of the nation or to myself, to have done so. Had I granted them terms, I would then have laid myself open to a trial by a council of war, for my force being superior to that of the enemy on the 20th and my position more advantageous, I could not admit any proposals except a surrender at discretion, my duty being to continue fighting, leaving the outcome to fate. I believe that I acted in accordance with my duty and I could not do otherwise. Those who assert that I offered guarantees to those who surrendered, speak without knowledge of the facts.

CHAPTER XXVI

THE SAN JACINTO CAMPAIGN

I. General Houston's Retreat; Battle of San Jacinto; Close of the War

By Dudley G. Wooten

[Chapter XIV of *A Complete History of Texas for Schools and Colleges.* Read: Garrison, *Texas,* Chapter XVIII; Barker, Potts, and Ramsdell, *A School History of Texas,* 130–139; "The San Jacinto Campaign," in *Quarterly* of the Texas State Historical Association, IV, 237–345.]

After the barbarities at San Antonio and Goliad, Santa Anna seemed to think that he had practically conquered Texas; and that he had only to complete the subjugation by easy stages. He divided his army into three columns. The first, under Gaona, was to march to Nacogdoches by the old Comanche trail and the upper crossing of the Trinity; the second, under Sesma, was to advance to Bastrop on the Colorado, and thence to San Felipe; and the third, under Urrea, after scouring the country between Victoria and Galveston, was ordered to cross the Colorado at Matagorda and march to Brazoria. The point of concentration of the second and third columns was evidently at the mouth of the Brazos, or perhaps at Anahuac, whence it was expected the Mexican president and his victorious troops could embark for Vera Cruz. Santa Anna himself was to personally direct the operations of the army of occupation, and for that purpose he set out with Filisola from Bexar, on March 31, accompanied by two battalions and five pieces of artillery, to join Sesma's column.

Meanwhile, General Houston left Gonzales in flames, on the night of March 13, with about three hundred men and a train of fleeing and homeless women and children. The weather was wretched; the rain poured in torrents, the roads were quagmires, the prairies were trackless seas of water, the streams were swollen and swift, and the dull and lowering skies covered everything like a pall of gloom and despair. The "Runaway Scrape" had begun in earnest, and the frightened colonists, seeing in Houston's retreat and the removal of the government to Harrisburg the sure signs of Mexican conquest of the whole country, fled in wild confusion, spreading dismay and dread everywhere they came. The wretchedness and desperation of those times were frightful, and the women and children suffered most. The

greatest terror was caused by some cowardly deserters, who left the army and ran through the country, even to Eastern Texas, circulating the most outrageous accounts of the size of Santa Anna's forces and the retreat of the Texan troops.

Houston reached Burnham's Crossing on the Colorado, near the present town of Columbus, on March 17, and at once sent William T. Austin to the mouth of the Brazos for artillery. It was his purpose to make the Colorado his line of defence, expecting reinforcements from Eastern Texas and some news of Fannin. On the 19th, Houston crossed to the east bank of the river and marched down stream a few miles to Beason's Crossing, where he remained until the 26th. On the day the Texans left Burnham's, Sesma and Woll reached the Colorado with about seven hundred men, and stopped on the west side two miles above Beason's. Houston then had about twelve hundred men and could have easily defeated Sesma, but he waited for his artillery and for information from Goliad. On the 25th the story of the battle of the Coleto reached the Colorado, and that event had left Urrea free to join Sesma or to march to the rear of the Texan army by a flank movement lower down the river. A battle with Sesma at that point would also no doubt have concentrated the entire Mexican force on the Colorado, and this would have brought on the decisive struggle farther from the base of supplies and troops in the settlements of the east than was deemed prudent. A victory would not have been final and a defeat would have been destructive. At any rate, for these or other reasons, General Houston decided to retire to the Brazos, and he began his retreat on the evening of March 26. His action provoked great criticism and almost mutiny in his army. The soldiers were anxious to fight, and they knew they could whip the enemy just in front of them, and to fall back under the circumstances was considered by many to be the height of folly, not to say cowardice. Some of the officers shared this feeling, notably Captains Mosely Baker and Wylie Martin, who then and afterwards were unsparing in their condemnation of General Houston. But he pursued his own course, reaching the Brazos at San Felipe on the 27th. From there he marched up the river, and this strange and unexplained movement excited open rebellion on the part of Baker and Martin, and they refused to go. Baker, with one hundred and twenty men, stayed at San Felipe, while Martin took his company below to guard the crossing at Fort Bend.

The rains and floods continued, and the experiences of the troops in the Brazos bottoms were dreary indeed. Houston reached Groce's Ferry, and remained there and at Donoho's both near the present town of Hempstead, until April 14. On March 29, Captain Baker had burned the town of San Felipe, as he always claimed, by Houston's orders. In the first days of April, Vice-President Zavala and Secretary of War Rusk joined the army.

While the Texans were thus scattered up and down the Brazos, Santa Anna was gathering all his forces towards the same locality. He countermanded Gaona's march to Nacogdoches and directed him to join Sesma, who had advanced from the Colorado to San Felipe. Gaona reached the latter place on April 17, having been lost in coming from Bastrop. Urrea had also been ordered to come from west of the Colorado to join his forces with Sesma, Gaona, Tolsa, and Woll on the Brazos, where a final victory was expected. But when Santa Anna reached San Felipe in person on April 7, and found that Houston had gone up the river, he thought the Texan army had concluded to get out of his way and give him free course to overrun the country. He sent word to Urrea to proceed on his original route to Matagorda, and, leaving Sesma to await Gaona's delayed arrival, he took about one thousand men and one cannon and tried to cross the Brazos. Baker was still at San Felipe and gallantly disputed the passage, so that Santa Anna went below and effected a crossing at Fort Bend, in spite of Martin's defence there. Pushing on down the river and through the bottoms, he reached Harrisburg on the 15th, whence the government had barely escaped towards Galveston Island. He burned the town on the 16th, and marched to the town of New Washington, on Galveston Bay, where President Burnet and family were just leaving in a boat in full view of the enemy, and escaped unharmed because Almonté would not permit the soldiers to fire on account of the ladies.

Learning of Santa Anna's movements from his scouts, on the 14th Houston left Donoho's to follow him. Baker had rejoined the army, but Martin's conduct was such that he was sent to the Trinity to guard the families there against Indians. It was just as the little army was leaving the Brazos that there came to them two cannon, the first artillery they had possessed in this campaign,—the generous gift of the citizens of Cincinnati,—known afterwards as the "Twin Sisters," and used effectively at San Jacinto. Santa Anna was now separated from his army, and had placed himself in a trap by entering the narrow peninsula below Harrisburg, into which the Texan army now hurried to catch and hold him fast.

Buffalo Bayou was reached on the 18th. Deaf Smith brought in a captured courier with despatches, from which it was rendered certain that Santa Anna was in front of them. Houston made the men a speech which set them wild with enthusiasm and filled their souls with righteous vengeance, as he bade them "Remember the Alamo! Remember Goliad!"

On the 19th, by rafts and in rickety boats, the army was crossed over the Bayou two miles below Harrisburg, marched nearly all night, and at sunrise on the 20th they were halted on the borders of the heroic field of San Jacinto. The scene of this encampment was picturesque and beautiful. In the rear lay the deep and sluggish waters of

Buffalo Bayou, skirted by groves of live-oaks, whose vivid green was sobered by the soft gray moss that hung in festoons from the giant trunks and spreading limbs; in front, for two miles, stretched the rolling surface of a fertile prairie, covered with tall, waving grass, and interspersed with small clumps of trees; while beyond this lay the Gulf marshes of the San Jacinto Bay, treacherous and miry, and covered with a thick growth of rank verdure and swampy timber. The wet and late spring was now ripening into early summer, the atmosphere was soft and balmy, the trees and grass were fresh and fragrant, and the whole scene was full of those sights and sounds that make life sweet and hope strong in human breasts. Almost immediately in front of the Texan camp there were two small groves of live-oaks, a few hundred yards distant; while the whole ground in front for a length of five hundred yards rose above the level of the camp, and to the top of this rise there ran a skirt of timber from the Bayou, about midway, reaching to near the top where the level of the prairie began.

Santa Anna was then at New Washington on the upper arm of Galveston Bay, and his route of escape by Lynch's Ferry would necessarily bring him past the Texan camp. The Mexicans proceeded towards the Ferry on the way to Anahuac, on the 20th, and coming upon a part of the Texan camp soon afterwards, a sharp skirmish ensued, after which the enemy withdrew towards the San Jacinto and camped. In the afternoon, Colonel Sidney Sherman, with a small force of cavalry, went out to reconnoitre, and became engaged with the Mexican infantry, which for a while seemed about to develop into a battle, but the Texans withdrew successfully. In this action Mirabeau B. Lamar first displayed his bravery and skill, which resulted in his being placed in command of the cavalry next day. The Mexican army spent the night in extending their lines and erecting fortifications of packs and baggage, with an opening in the centre for the artillery.

Nothing occurred on the 21st until the afternoon. It was a bright and beautiful day, and the two armies lay in expectant impatience waiting for the result. At nine o'clock in the morning, General Cos arrived from the Brazos, bringing to Santa Anna five hundred of Sesma's choice troops, which increased the Mexican force to about fifteen hundred men.[1] They came by *Vince's bridge,* over an arm of the Bayou by that name, and Houston at once sent Deaf Smith to destroy the bridge, so as to prevent any further reinforcements from that direction, or the escape of the enemy by that route. At half-past three o'clock in the afternoon, General Houston paraded his troops in their position, and arranged to attack the Mexican camp. The location of the Texan camp, with the protection given by the timber and the nature of the ground as before described, enabled Houston to make

[1] Mexican reports agree that Santa Anna's original force was 750 men and that Cos brought to San Jacinto 400 reinforcements.

his dispositions for the attack without being seen by the enemy. He divided his army into four divisions. On the extreme right the cavalry was placed, under command of Colonel Lamar; next towards the left came the infantry, under Millard; then the "Twin Sisters," under Hockley; Colonel Burleson with the first regiment occupied the centre; and the second regiment, under Sidney Sherman, formed the left wing. The troops advanced to the edge of the projecting neck of timber at the top of the rise in front of their camps, while the cavalry went to the front to draw the attention of the enemy. Santa Anna's cavalry was on his left wing, his infantry and artillery in the centre, behind fortifications of boxes and baggage, while his extreme right had been extended so as to reach the timber along the San Jacinto.

The Texan army had no band, its only martial music being a drum and fife, and to the air of "Will you come to the bower?" it formed its line of battle. At four o'clock the command "Forward" was given along the whole line. The men advanced rapidly, and Houston had difficulty in making them hold their fire until near enough to do execution. When at point-blank range, the two cannon were wheeled, and poured their contents into the barricades of the Mexican centre, while the Texan soldiers dashed headlong upon the startled camp, delivering a destructive volley at close quarters. Santa Anna's army seemed to be taken by surprise. He himself was asleep in his tent, and the soldiers were lying about in confusion. But when those terrible words —"Remember Goliad! Remember the Alamo!"—smote on their ears, they endeavored to form in line and stem the Texan charge. It was useless. Castrillon was shot dead while trying to rally his men. Santa Anna in terrified haste mounted a swift horse and fled towards Vince's bridge, now destroyed. The Texans were too eager to reload often, and, in their furious haste to wreak vengeance for past outrages, they clubbed their muskets and drew their bowie knives. At first no quarter was given. The rout was complete and the slaughter terrific. The intensity of the rage and violence of the victorious colonists were something fearful. After the battle, many dead Mexicans were found into whose heads the heavy knives had been struck with such force as to shatter their skulls like panes of glass. The few Texans who were injured received their wounds from the first scattering volley, fired by the enemy as the barricades were reached and overthrown.

The fugitives ran in wild terror over the prairie and into the boggy marshes of the San Jacinto, and were pursued and killed or driven into the mud and water and drowned. In thirty minutes it was all over. The inhuman butchery of Travis, Bowie, Crockett, Ward, and Fannin had been terribly avenged, but not without regard to the usages of civilized war. Almonte rallied about four hundred men and formally surrendered, their lives and rights as prisoners being respected. But six hundred and thirty Mexicans lay dead on the field,

two hundred and eight were wounded, and seven hundred and thirty prisoners were taken, a very few having escaped, most of whom were afterwards captured, including Generals Santa Anna and Cos, Colonel Almonte, and several other officers. Large quantities of arms, army stores, camp equipage and mules and horses were also taken, and eighteen thousand one hundred and eighty-four dollars in money, three thousand dollars of which were at once voted to the navy. The number of men engaged on the Texan side in the battle of San Jacinto was seven hundred and forty-three, and their loss was six killed and twenty-five wounded. General Houston was painfully and seriously wounded, his ankle being shattered by a ball in the first volley fired by the Mexicans. That night was one of unbounded joy and uproarious celebration. The men were simply wild with the intoxication of victory and the sense of freedom at last gained, after so much suffering, such tragic losses, such sickening suspense, and ofttimes despair.

Next day, James A. Sylvester, a sergeant in Wood's company, with six others, was scouting for prisoners on Vince's Bayou. Sylvester, while separated from the others, came on a man concealed in the tall grass. He was dressed like a common soldier, but wore a fine linen shirt with studs in the bosom, which convinced Sylvester that he was in disguise. When the others came up, they started to camp with the prisoner, a distance of eight miles, the captive walking part of the way and riding behind Joel W. Robinson the remainder. When they reached the Texan camp, Sylvester conducted the strange man to where General Houston was lying under a tree, talking with General Rusk. As the party passed some Mexican prisoners, the latter exclaimed in Spanish, "The President," "General Santa Anna." This was the first intimation of his identity. As soon as Sylvester reached Houston and Rusk, Santa Anna stepped forward, and with dignity stated his name and rank, and demanded the treatment of a prisoner of war. A conversation of nearly two hours ensued. At first Moses Austin Bryan, a youth about grown, acted as interpreter; then General John A. Wharton and Vice-President Zavala came up, and the latter interpreted for a while, when General Rusk asked Santa Anna if he would like to have Almonte sent for, to which the prisoner gladly assented, and Almonte translated the greater part of the interview. After the first exchange of courtesies between Houston and Santa Anna, General Rusk did most of the talking on the part of the Texans. A warm discussion was had between him and the Mexican commander as to the massacre of Fannin's men, the responsibility for which Santa Anna denied, but did not dispute Urrea's treaty with Fannin. At last Santa Anna said he wanted to end the war and would order Filisola to retire from Texas with the army, to which Rusk replied that Filisola would not obey him. The prisoner said his officers and men would obey any order he might issue. "Then," said Rusk, "order them to surrender." With great dignity and spirit Santa Anna responded: "I

am but a single Mexican, and you can do with me as you please; but I will do nothing that would be disgraceful to me or my nation." The captive president was much exhausted, mentally and physically, and asked for opium, which was given him. He finally addressed a note to General Filisola, directing him to retire to San Antonio, and to order Gaona to do the same, while Urrea should retreat to Victoria, and all hostilities should be suspended until further orders, pending an armistice which had been agreed upon between him and Generals Rusk and Houston. These orders were at once sent off to the Mexican commander, and the war practically ceased.

As soon as the news of the victory reached Galveston Island, President Burnet and his Cabinet came to the camp on the San Jacinto, reaching there April 28. The outline of a treaty of peace had already been drawn up by Rusk and Houston, and was submitted to Burnet. On May 5, General Houston was granted leave of absence to go to New Orleans for treatment of his wound, and Rusk was appointed to the command of the army, while Colonel M. B. Lamar was made secretary of war. Lamar and the secretary of the navy, Robert Potter, were opposed to treating with Santa Anna, holding him to be a miscreant outside the pale of civilized warfare, and entitled only to be shot as a murderer. A violent controversy arose as to the standing and treatment to be accorded the prisoner, which did not end without further serious trouble extending over several months. But on May 14, 1836, a treaty was finally signed between Santa Anna and David G. Burnet, as presidents of their respective republics, by the terms of which Santa Anna pledged himself never again to take up arms against Texas, and to use his influence to end the war; all hostilities should cease on land and water, and the Mexican troops must immediately evacuate Texas; all property should be respected, captured property to be restored; and all prisoners held by the Mexicans must be exchanged for an equal number of Mexicans held by the Texans. On the same date a secret treaty was made, by which Santa Anna was to use all his influence in Mexico to secure a recognition of Texan independence and the establishment of the boundary at the Rio Grande. The government *ad interim* had established itself at Velasco on May 8, and the treaties were executed at that port. The Mexican army, amounting in all to about seven thousand troops, continued its retreat to the Rio Grande, and in the early part of June they all retired beyond that river.

Meanwhile, great numbers of volunteers were constantly arriving from the United States, and the enthusiasm produced by the victory of San Jacinto brought troops from Eastern Texas; so, that when the enemy's last column crossed into Mexico, there were enough men in the recruited Texan army to have driven out the invaders had they delayed their departure.

In following the exciting operations of the army on land in the

campaign of 1835–36, it must not be forgotten that Texas also had a small and efficient navy in the Gulf. Early in the year 1836, the government succeeded in procuring three armed vessels,—the *Invincible*, the *Brutus*, and the *Independence*,—which did valuable service in destroying Mexican commerce and securing supplies for the army. Other small vessels were afterwards added, and the Texan navy was an important factor in some of the events that followed under the Republic.

Having declared and achieved by the test of heroic battle her sovereign independence, the new Republic prepared to assume her place among the nations of the world, and to maintain a government suited to the needs and capacities of her great territory and her growing population.

II. Houston's Report of the Battle of San Jacinto

Headquarters of the Army,
San Jacinto, April 25, 1836.

To His Excellency David G. Burnet, President of the Republic of Texas.

Sir: I regret extremely that my situation, since the battle of the 21st, has been such as to prevent my rendering you my official report of the same, previous to this time.

I have the honor to inform you, that on the evening of the 18th inst., after a forced march of fifty-five miles, which was effected in two days and a half, the army arrived opposite Harrisburg. That evening a courier of the enemy was taken, from whom I learned that General Santa Anna, with one division of choice troops, had marched in the direction of Lynch's Ferry on the San Jacinto, burning Harrisburg as he passed down. The army was ordered to be in readiness to march early on the next morning. The main body effected a crossing over Buffalo bayou, below Harrisburg, on the morning of the 19th, having left the baggage, the sick, and a sufficient camp guard in the rear. We continued the march throughout the night, making but one halt in the prairie for a short time, and without refreshments. At daylight we resumed the line of march, and in a short distance our scouts encountered those of the enemy, and we received information that General Santa Anna was at New Washington, and would that day take up the line of march for Anahuac, crossing at Lynch's Ferry. The Texan army halted within half a mile of the ferry in some timber and were engaged in slaughtering beeves, when the army of Santa Anna was discovered to be approaching in battle array, having been encamped at Clopper's point, eight miles below. Disposition was immediately made of our forces, and preparation for his reception. He took position with his infantry and artillery in the center, occupying

an island of timber, his cavalry covering the left flank. The artillery, consisting of one double fortified medium brass twelve-pounder, then opened on our encampment. The infantry, in column, advanced with the design of charging our lines, but were repulsed by a discharge of grape and canister from our artillery, consisting of two six-pounders. The enemy had occupied a piece of timber within rifle shot of the left wing of our army, from which an occasional interchange of small arms took place between the troops, until the enemy withdrew to a position on the bank of the San Jacinto, about three-quarters of a mile from our encampment, and commenced fortifications. A short time before sunset, our mounted men, about eighty-five in number, under the special command of Colonel Sherman, marched out for the purpose of reconnoitering the enemy. Whilst advancing they received a volley from the left of the enemy's infantry, and after a sharp encounter with their cavalry, in which ours acted extremely well and performed some feats of daring chivalry, they retired in good order, having had two men severely wounded and several horses killed. In the meantime, the infantry under the command of Lieutenant-Colonel Millard, and Colonel Burleson's regiment with the artillery, had marched out for the purpose of covering the retreat of the cavalry, if necessary. All then fell back in good order to our encampment about sunset, and remained without any ostensible action until the 21st, at half past three o'clock, taking the first refreshment that they had enjoyed for two days. The enemy in the meantime extended the right flank of their infantry so as to occupy the extreme point of a skirt of timber on the bank of the San Jacinto, and secured their left by a fortification about five feet high, constructed of packs and baggage, leaving an opening in the center of the breastwork in which their artillery was placed, their cavalry upon their left wing.

About nine o'clock on the morning of the 21st, the enemy were reinforced by 500 choice troops, under the command of General Cos, increasing their effective force to upwards of 1,500 men, whilst our aggregate force for the field numbered 783. At half past three o'clock in the evening, I ordered the officers of the Texan army to parade their respective commands, having in the meantime ordered the bridge on the only road communicating with the Brazos, distant eight miles from our encampment, to be destroyed, thus cutting off all possibility of escape. Our troops paraded with alacrity and spirit, and were anxious for the contest. Their conscious disparity in numbers seemed only to increase their enthusiasm and confidence and heighten their anxiety for the conflict. Our situation afforded me the opportunity for making the arrangements preparatory to the attack, without exposing our designs to the enemy. The first regiment, commanded by Colonel Burleson, was assigned the center. The second regiment, under the command of Colonel Sherman, formed the left wing of the army. The artillery under the special command of Colonel George W. Hockley,

Inspector-General, was placed on the right of the first regiment; and four companies of infantry, under the command of Lieut.-Col. Henry Millard, sustained the artillery upon the right. Our cavalry, sixty-one in number, commanded by Colonel Mirabeau B. Lamar, whose gallant and daring conduct on the previous day had attracted the admiration of his comrades and called him to that station, placed on our extreme right, completed our line. Our cavalry was first dispatched to the front of the enemy's left, for the purpose of attracting their notice, whilst an extensive island of timber afforded us an opportunity of concentrating our forces and deploying from that point, agreeably to the previous design of the troops. Every evolution was performed with alacrity, the whole advancing rapidly in line and through an open prairie, without any protection whatever for our men. The artillery advanced and took station within two hundred yards of the enemy's breastwork, and commenced an effective fire with grape and canister.

Colonel Sherman with his regiment, having commenced the action upon our left wing, the whole line at the center and on the right, advancing in double-quick time, rung the war cry, 'Remember the Alamo!' received the enemy's fire and advanced within point blank shot before a piece was discharged from our lines. Our lines advanced without a halt, until they were in possession of the woodland and the breastwork, the right wing of Burleson's and the left of Millard's taking possession of the breastwork; our artillery having gallantly charged up within seventy yards of the enemy's cannon, when it was taken by our troops. The conflict lasted about eighteen minutes from the time of close action until we were in possession of the enemy's encampment, taking one piece of cannon (loaded), four stands of colors, all their camp equipage, stores and baggage. Our cavalry had charged and routed that of the enemy upon the right, and given pursuit to the fugitives, which did not cease until they arrived at the bridge which I have mentioned before, Captain Karnes, always among the foremost in danger, commanding the pursuers. The conflict in the breastwork lasted but a few moments; many of the troops encountered hand to hand, and not having the advantage of bayonets on our side, our riflemen used pieces as war clubs, breaking many of them off at the breech. The rout commenced at half past four, and the pursuit by the main army continued until twilight. A guard was then left in charge of the enemy's encampment, and our army returned with their killed and wounded. In the battle our loss was two killed and twenty-three wounded, six of them mortally. The enemy's loss was 630 killed, among whom was one general officer, four colonels, two lieutenant-colonels, five captains, twelve lieutenants. Wounded: 208, of which were: five colonels, three lieutenant-colonels, two second-lieutenant-colonels, seven captains, one cadet. Prisoners, 730; President-General Santa Anna, General Cos, four colonels, aides

to General Santa Anna, and the colonel of the Guerrero battalion are included in the number. General Santa Anna was not taken until the 22nd, and General Cos on yesterday, very few having escaped.

About six hundred muskets, three hundred sabres and two hundred pistols have been collected since the action. Several hundred mules and horses were taken, and near twelve thousand dollars in specie. For several days previous to the action our troops were engaged in forced marches, exposed to excessive rains, and the additional inconvenience of extremely bad roads, illy supplied with rations and clothing; yet, amid every difficulty, they bore up with cheerfulness and fortitude, and performed their marches with spirit and alacrity. There was no murmuring.

Previous to and during the action, my staff evinced every disposition to be useful, and were actively engaged in their duties. In the conflict I am assured they demeaned themselves in such manner as proved them worthy members of the Army of San Jacinto. Colonel Thos. J. Rusk, Secretary of War, was on the field. For weeks his services had been highly beneficial to the army; in battle he was on the left wing, where Colonel Sherman's command first encountered and drove the enemy. He bore himself gallantly, and continued his efforts and activity, remaining with the pursuers until resistance ceased.

I have the honor of transmitting herewith a list of all the officers and men who were engaged in the action, which I respectfully request may be published as an act of justice to the individuals. For the commanding general to attempt discrimination as to the conduct of those who commanded in the action, or those who were commanded, would be impossible. Our success in the action is conclusive proof of such daring intrepidity and courage; every officer and man proved himself worthy of the cause in which he battled, while the triumph received a lustre from the humanity which characterized their conduct after victory, and richly entitles them to the admiration and gratitude of their general. Nor should we withhold the tribute of our grateful thanks from that Being who rules the destinies of nations, and has in the time of greatest need enabled us to arrest a powerful invader, whilst devastating our country.

I have the honor to be, with high consideration,

Your obedient servant, SAM HOUSTON,
Commander-in-Chief.

III. SANTA ANNA'S ACCOUNT OF THE BATTLE OF SAN JACINTO

TRANSLATED BY CARLOS E. CASTAÑEDA

[The selection which follows is from Santa Anna's report to the Mexican Secretary of War and Marine, dated March 11, 1837. Santa Anna's complete report may be read in Carlos E. Castañeda, *The Mexican Side of the Texan*

Revolution, 1–89. Other Mexican accounts of the campaign are those of Santa Anna's secretary, Ramón Martínez Caro, who sharply criticizes Santa Anna, of Generals Filisola and Urrea, who participated in the campaign, and of General José María Tornel, who was Secretary of War and Marine.]

Through some of the colonists taken, among them a Mexican, I discovered that the heads of the Texas government, Don Lorenzo Zavala, and other leaders of the revolution were at Harrisburg, twelve leagues distant on the right bank of Buffalo Bayou; and that their arrest was certain if our troops marched upon them without loss of time. More important than the news was the rapidity of our march, which, if successful, would completely disconcert the rebellion. Without confiding in anyone I decided to take advantage of the opportunity. I made the grenadiers and riflemen who had captured the crossing, the battalion of regulars of Matamoros, the dragoons of my escort, a six-pounder well supplied with ammunition, and fifty cases of small ammunition cross the river; and I started with these forces towards Harrisburg the afternoon of the 14th. I left General Ramírez y Sesma with the rest of the troops of his division at Thompson's and gave him sealed orders for General Filisola.

I entered Harrisburg the night of the 15th, lighted by the glare of several houses that were burning, and found only a Frenchman and two North Americans working in a print shop. They declared *that the so-called president, vice-president, and other important personages had left at noon for the island of Galveston in a small steamboat; that the families to whom the houses belonged were making their way to the same place; that the fire had been accidental, they having been unable to put it out; that the families had abandoned their homes by order of General Houston who was at Groce's Crossing with* 800 *men and two four-pounders.*

The arrest of the leaders of the rebellion having been frustrated, and knowing the location of the enemy and its strength, I ordered Colonel Juan N. Almonte with the 50 dragoons of my escort to make a reconnoissance as far as the crossings at Lynchburg and New Washington in order to be better able to decide upon my subsequent operations. From the last mentioned place the said colonel told me among other things *that several colonists found in their homes uniformly asserted that General Houston was retreating to the Trinity by way of Lynchburg.*

To intercept Houston's march and to destroy with one blow the armed forces and the hopes of the revolutionists was too important a blow to allow the opportunity to escape. I decided to take the crossing at Lynchburg before his arrival and to avail myself of the advantages afforded by the country. The first question was to reenforce the division that accompanied me, composed of one cannon, 700 infantry and 50 cavalry, in order to make it superior in number to that

of the enemy, which it surpassed in discipline. I issued instructions to General Filisola to stop the march of General Cos to Velasco, ordered in my previous instructions, and to send me immediately under the command of the said general 500 *chosen infantry* which were to join me as soon as possible. This order was taken to him with all speed by my aide-de-camp, Lieut. Col. José María Castillo e Iberri. Colonel Almonte was at the port of New Washington, on the shores of Galveston Bay, exposed to the enemy ships that might arrive; and it was necessary to insure the large amount of food supplies that he had succeeded in taking. I, therefore, marched toward that point the afternoon of the 18th. When I arrived a schooner was in sight, which, because of the lack of wind, could not get out to sea. I tried to capture it in order to make use of it, when the time came, against the island of Galveston, but just as the boats and barges that Colonel Almonte had secured were being made ready a steamboat came and set it on fire.

In the early morning of the 19th I sent Captain Marcos Barragán with some dragoons to the crossing at Lynchburg, three leagues distant from New Washington, to keep a lookout and to give me timely notice of the arrival of Houston. At eight o'clock, the morning of the 20th, Captain Barragán came to me and told me that Houston was approaching Lynchburg. All the members of the division heard of the approach of the enemy with joy, and in the highest spirits continued the march already started towards that place.

When I arrived, Houston had taken possession of the woods on the banks of Buffalo Bayou, whose waters join the San Jacinto at that point and flow into those of Galveston. His position would force him to fight or take to the water. The enthusiasm of my troops was such that I immediately engaged him in battle; but although our fire was returned, I was unable to draw him from the woods. I wanted to draw him out to a place that suited me better. I retired about one thousand *varas* and camped on a hill that gave me an advantageous position, with water on the rear, heavy woods to our right as far as the banks of the San Jacinto, open plains to the left, and a clear front.

While taking our position, the cannonade was kept up by the enemy and Captain Fernando Urriza was wounded. About one hundred mounted men sallied forth from the woods and daringly threw themselves upon my escort placed on our left. For a moment they succeeded in throwing it into confusion, seriously wounding one of the dragoons. I ordered two companies of riflemen to attack them and these were sufficient to rout them, sending them back to the woods. Some of their infantry had also started out; but, on seeing their cavalry retreating, they turned back to the woods.

It must have been about five in the afternoon, and, the troops needing both food and rest, the remainder of the day was spent at-

tending to these indispensable necessities. A good watch was kept during the night. I occupied myself with the best distribution of our forces and the construction of a parapet that would afford more protection to our cannon, placing it in a more advantageous location. This was the disposition of our camp: The woods to our right were defended by three chosen companies; in the center the regular battalion of Matamoros in battle formation took its place; and to the left was our cannon, protected by the cavalry and a column of chosen companies under the command of Lieut. Col. Santiago Luelmo who was to act as our reserve.

At nine o'clock on the morning of the 21st, in full view of the enemy, General Cós arrived with 400 men from the battalions of Aldama, Guerrero, Toluca, and Guadalajara. He left one hundred men under the command of Colonel Mariano García to bring up the baggage that was detained at a bad crossing near Harrisburg. These men never joined us. I immediately saw that my order with respect to the 500 *chosen* infantry had been disregarded, for the greater part of the reenforcement was made up of recruits that had been distributed among our troops from San Luis Potosí and Saltillo. In view of the circumstances that made me superior to the enemy, this serious disobedience instantly caused me the greatest displeasure, realizing that the reenforcement so anxiously awaited and with which I expected to inflict a decisive blow to the enemy was insufficient.

Nevertheless, I tried to take advantage of the favorable impression which I noticed reflected in the countenances of the troops at the arrival of General Cos. He explained to me, however, *that forced to march continuously in order to arrive quickly, the troops under his command had neither slept nor eaten in twenty-four hours; that while awaiting the arrival of their baggage, which should take from two to three hours, the troops should be permitted to rest and prepare for battle.* I granted his request and consented to the troops resting and eating.

I placed my escort, reenforced by 32 men mounted on officers' horses, in a strategic position from which it could observe the enemy and give protection to the already mentioned baggage. Hardly had an hour passed since the last disposition, when General Cós came to me to ask me, in the name of Captain Miguel Aguirre, commandant of the escort, *that he be permitted to allow his troops to eat* and to water and feed the horses which had not been fed since the day before. The pitiful tone in which this petition was made moved me to grant it, warning him, however, that as soon as the men were through, Captain Aguirre should immediately take up his position as ordered. His failure to do so contributed to the surprise that the enemy succeeded in effecting.

Fatigued as a result of having spent the morning on horseback, and not having slept the night before, I lay down under the shade of

some trees while the troops ate their rations. I sent for General Manuel Fernández Castrillón, who was acting as major general, and I ordered him to keep a close watch and to advise me of the slightest movement of the enemy. I also asked him to wake me up as soon as the troops had eaten, for it was necessary to take decisive action as soon as possible.

As fatigue and long vigils provoke heavy slumber, I was sleeping deeply and when the din and fire of battle awoke me. I immediately became aware that we were being attacked and that great disorder prevailed. The enemy had surprised our advance guard, a party attacked the three chosen companies that guarded the woods to our right and took possession of them, increasing the confusion with their unfailing rifles. The rest of the infantry of the enemy was making a front attack, protected by their two cannon, while their cavalry charged our left.

Although the evil was done, I thought for a moment that it might be repaired. I ordered the permanent battalion of Aldama to reenforce that of Matamoros, which was sustaining the line of battle; and hurriedly organized an attack column under orders of Colonel Manuel Céspedes, composed of the permanent battalion of Guerrero and detachments from Toluca and Guadalajara, which, simultaneously with the column of Colonel Luelmo, marched forward to check the principal advance of the enemy. My efforts were all in vain. The front line was abandoned by the two battalions that were holding it, notwithstanding the continuous fire of our artillery commanded by the brave Lieutenant Arenal. The two newly organized columns were dispersed, Colonel Céspedes being wounded and Captain Luelmo killed. General Castrillón, who ran from side to side to restore order among our ranks, fell mortally wounded. The recruits bunched themselves and confused the tried soldiers, and neither the first nor the second made any use of their weapons. In the meantime the enemy, taking advantage of the opportunity, carried their charge forward rapidly, and shouting madly, secured a victory in a few minutes which they did not dream was possible.

All hope lost, with everyone escaping as best he could, my despair was as great as the danger I was in. A servant of my aide-de-camp, Juan Bringas, with noble kindness offered me the horse of his master, and earnestly pleaded that I save myself. I looked about for my escort and was told by two dragoons who were hurriedly saddling their horses that their companions and officers had fled. I remembered that General Filisola was at Thompson's Crossing, sixteen leagues distant, and, without hesitation, I tried to make my way to that place through the enemy's ranks. They pursued me and overtook me a league and a half from the battlefield at a large creek where the bridge had been burnt. I turned my horse loose and with difficulty took refuge in a grove of small pine trees. The coming of

night permitted me to evade their vigilance. The hope of rejoining the army and of vindicating its honor gave me strength to cross the creek with the water above my waist, and I continued on my route afoot. In an abandoned house I found some clothes which I exchanged for my wet ones. At eleven o'clock of the 22nd I was overtaken again by my pursuers just as I was crossing a plain, and thus I fell into their hands. Not recognizing me because of my clothes, they asked me if I had seen General Santa Anna. I replied that he was ahead of me and this happy thought saved me from being assassinated on the spot as I found out later.

Your Excellency will see at once, from what I have stated, the principal causes of an event that has, with justice, astonished the nation and for which I alone have been held responsible. I have been thought dead, and consequently unable to present the facts as they were. But since, fortunately, I find myself alive and enjoying freedom, I am obliged to cleanse the facts until the causes stand out as clearly as the light of day in order that justice may render its verdict. I esteem too much a reputation won by dint of long and costly sacrifices to permit it to be soiled with impunity, especially by those who should be the last to impugn it. Limiting myself to those faults committed by some of my subordinates that were, directly or indirectly, the cause of the lamentable catastrophe I am discussing, I will ask Your Excellency to keep in mind that General Filisola sent me a reenforcement made up of recruits when he could have sent me seasoned soldiers. He had with him the battalion of sappers, made up of veteran troops in its entirety, but he did not send me a single man out of it. Being able to have selected the best men from the regular battalions of Guerrero, Aldama, Activos de Mexico, Toluca, and Guadalajara, he failed to do so. Thus, he disregarded the very spirit of my instructions, for, if I distinctly ordered him to send me 500 picked men, it was because I wanted no recruits to be sent, aware as I was that there were many among our troops. Had not this been clearly my purpose I would have used some other phrase.

The sending of Captain Miguel Bachiller with special mail that had arrived from that capital, dispatched to me by the supreme government, and which was intercepted, was no less a cause. As a result, the enemy acquired positive information regarding our forces at a time when it was retreating, wondering what it could do, astonished by our operations and triumphs. Thus it became aware that I was at New Washington, it learned the number that made up the division that was operating in that region and the situation of the rest of our forces, all of which cleared the confusion in which it found itself as a result of our continuous offensive and the appearance of our victorious columns at the points least expected. From the despatches it learned everything that it desired; and, coming out from the uncertainty that was making it retreat to the Trinity, it gained new courage.

This could not have happened without knowing that my force was inferior to theirs. The arrival of the reenforcements under General Cós was regarded by the enemy as a ruse, believing it a party sent out during the night before to return in the morning in full view. This was told to me by the enemy afterwards.

Such was the terror that prevailed throughout Texas as a result of the operations of the army under my command that in order to dissipate it General Thomas J. Rusk, acting secretary of war of the government of Texas, told me that he had had to go to the camp where his forces were and *assure them that General Santa Anna had returned to Mexico as a result of an internal revolution in the republic; that he did this to stop the desertion of many of the volunteers that had come from the United States whom he was unable to hold.*

It is to be particularly remembered that General Filisola had no instructions to send me any correspondence. If he had wanted to insure its safe conduct, he could have sent it to me later with General Cós. I do not see how the fatal results that would follow the falling of such important correspondence into the hands of the enemy can have escaped him.

General Gaona, who did not join me as he should—the cause of whose delay I have not yet learned—prevented me from setting out from Thompson's Crossing with twice the force I had. I took only 700 infantry in order to leave General Ramírez y Sesma the necessary force for the protection of that point. In view of this fact, I asked for the above mentioned reenforcement in order to make my forces superior to the enemy.

General Cós reduced his 500 men by leaving 100 near Harrisburg as an escort for the baggage he was conducting. I can see no reason for his bringing this baggage when I had asked General Filisola to send me only fifty cases of ammunition. General Cós brought only part of these munitions, but he brought all the baggage belonging to the troops that had remained at Thompson's, this in spite of the fact that a called reenforcement is supposed to march as lightly equipped as possible in order not to be unduly burdened, for it is known that excessive baggage slows up the march. The reenforcement was thus reduced by one-fifth, and 100 men were left seriously exposed, saving themselves by mere chance.

Lastly, the conduct of General Castrillón and of the other officers to whom the vigilance of our camp, in full view of the enemy, was entrusted contributed considerably to the already mentioned misfortune. I regret to have to discuss an individual who is dead, one whom I always regarded with esteem. Likewise, I regret to have to speak of others who are still living, but duty obliges me to relate the facts such as they were. I have positive evidence to prove that all the time I was sleeping the said general occupied himself with making his toilet and changing his clothes; and that when the enemy attacked and surprised our advanced guards, he was whiling away his time in a

party with other officers of my staff. He did not inspect our outposts a single time, and his example was followed by the other officers. Thus, part of the troops were sleeping, while those who were awake, not being vigilant, permitted the enemy to carry out a surprise that could not have been more complete had it taken place in the middle of the night. As a result it was easy for the enemy to take possession of the woods on our right with only 116 men, in spite of being defended by three chosen companies. Though they outnumbered the enemy, they offered no resistance. This was the source of the encouragement that enabled the enemy to continue the charge, as well as the cause of the confusion in our camp, increased by the panic that possessed the recruits, who, unable to use their arms, permitted the enemy to assassinate them in cold blood. It is true that General Castrillón conducted himself with extraordinary bravery, as I have stated, during the last moments of the engagement, but his efforts then were useless; and, before he breathed his last, his remorse must have been great if he paused to think how he neglected his duty at a time when he should have attended to it.

My duties as general-in-chief did not forbid my resting, for no general is forbidden this necessity, nor can it be expected that he should not succumb to natural needs, particularly under the conditions and at the time of day that I did. I confided, as I had a right to do, in that my orders would be observed. A general-in-chief cannot discharge the duties of a subaltern-officer, or a soldier. Each class has its respective duties and attributes assigned. If the failings of inferiors cannot be taken as an excuse by their superiors in general, there are exceptions such as the case in hand, especially if the circumstances explained are taken into consideration.

They have, perhaps, tried to accuse me of being incautious because I did not march with all my troops in a body, but chose to advance with only a small division as I did. In the first place, it is necessary to keep in mind, in oder to destroy this objection, that I left Thompson's Crossing to execute an important operation whose purpose was to surprise and capture with a single blow the directors of the revolution who were but a short distance away. As soon as I discovered that the enemy was retreating by way of Lynchburg, I asked for reenforcements in order to make my force superior to theirs. Lastly, there was no advantage to be gained by the army marching along a single route, and in a body; because, after having driven the enemy from all points, there was no enemy force to fight except that found at the point and place indicated. Since the direction followed by the enemy showed clearly that it intended to retreat beyond the Trinity, it was necessary, in order that no one be left to fire a single shot from the Rio Bravo to the Sabine to cut off its retreat and to force it to fight rather than to attack the rear guard. The march of the whole army would have been adverse to this important plan that would put an end to the question with a single blow. The slowness with which the army would have had to move as a result of its

baggage, trains, etc., would have permitted the enemy to get so far ahead of us that we could not have overtaken it, considering the obstacles presented by the country and its large rivers.

The force under my command was superior in quality to that of the enemy; it was well supplied with food and munitions, and it held an advantageous position. That of the enemy was inferior in number; it was cut off by Buffalo Bayou and the San Jacinto, and occupied a disadvantageous position. The enemy was without food. An attempt to draw it into battle had been made on the previous day, before the arrival of our reenforcement, but the challenge had been refused. Who, under such conditions, would have waited to mobilize a whole army, losing precious moments in the meantime? Who could have doubted victory? I appeal to the impartial judgment of the intelligent classes, feeling confident that, far from siding with envy and malice in imputing carelessness, precipitation and lack of foresight on my part, they will admit that judgment, foresight, and discretion were exercised in considering the circumstances and that if these did not result in victory as it was expected, it was through no lack of plan, nor failure of coordination in the operations, nor the dispositions of the general-in-chief.

Having demonstrated, as I have done, that the catastrophe of San Jacinto was caused purely by the faults and carelessness of some of my subordinates and the disregard of orders by others, there remains nothing for me but to deplore my participation in the engagement. My regrets are mitigated, however, when I remember that I did everything that was in my power, exceeding the duties of a general-in-chief, to serve my country well. I find no other excess in my conduct than my zeal for the interests of the country, placing them above my own and subordinating everything else to the desire to defend them well and to cover with glory the arms intrusted to me.

Fortune turned its back upon me at the very moment when my efforts were to be crowned with success, preventing me from having the satisfaction of presenting a new laurel to the nation, and leaving my desire unknown.

IV. The "Runaway Scrape": The Non-Combatants in the Texas Revolution

By Mrs. Dilue Harris

[Mrs. Harris's "Reminiscences" are published in the *Quarterly* of the Texas State Historical Association, IV, 85–127, 155–189, VII, 214–222. The selection which follows is from IV, 124–127, 156–179. Mrs. Harris combined with her recollections a diary kept by her father, Dr. Pleasant W. Rose.]

June, 1835.—*School and War*

School commenced the first of June. There were only ten pupils,

three girls, six boys and one young man, Harvey Stafford. The teacher boarded around among the neighbors.

We had been going to school two weeks when there was another excitement. Father went to Harrisburg and found the men making threats against the garrison at Anahuac. Mr. Andrew Briscoe had a large stock of goods there, and it was the chief port of entry east of the Brazos. Captain Tenorio, the Mexican custom house officer, would not allow him to sell goods without a permit from the custom house. When father left Harrisburg the men and boys were drilling and threatening to disarm the garrison. Mr. Choate, Dave Harris, and father advised them not to do it, as Stephen F. Austin was a prisoner in Mexico, and it might endanger his life. This was very discouraging.

Mr. Stafford had heard from his father and step-mother. She was to return in the winter and take all their slaves to the United States. She did not have any trouble with those she took back the year before. She said she could do better than a man running slaves into the United States. She said that they got news from Mexico through the papers that it was the intention of the Mexican government to garrison every town in Texas and liberate the slaves. The United States government was to station troops at the Sabine river to prevent the slave holders from crossing, and it was to send also a warship to the Gulf of Mexico.

The school did well. There was no sickness. The grown young men started to school. Three of them and the teacher camped in the schoolhouse and did their own cooking. Mother and Mrs. Dyer gave them milk, butter and eggs, and they went home Friday evening. Mr. Henson spent Saturdays and Sundays with the neighbors. The young men were anxious for the school to be kept open in the summer, as they had to work in the fall and winter.

There was some trouble at Anahuac. A courier came to our house from Harrisburg, going to San Felipe with a dispatch, stating there had been fighting at Anahuac. Captain Tenorio had arrested Andrew Briscoe and Clinton Harris and put them in prison and wounded several Texans. Clinton Harris went from Harrisburg to buy dry goods from Mr. Briscoe, when the Mexican officer, Captain Tenorio, ordered him not to move the goods. While he and his assistant, Mr. Smith, were going to the boat, they were fired on, and Mr. Smith was wounded in the breast. Clinton Harris was released and the next day he returned to Harrisburg. He wrote out a statement and sent it to San Felipe to William B. Travis.

This news stopped our school, as the teacher and young men decided to go to Harrisburg. There had been a meeting at San Felipe which recommended that the garrison at Anahuac be disarmed. Mr. W. B. Travis went to Harrisburg where he raised a company of men mostly from San Jacinto and Buffalo Bayou. They took a cannon and put it on a cart used for hauling logs to the saw mill. They

shipped the men and cannon on a small schooner. They set sail for Anahuac and arrived there the last of June. They forced Captain Tenorio and the garrison to capitulate. Mr. Briscoe was released from prison. This broke up Anahuac as a port of entry. The Mexicans and the men under Mr. Travis boarded the schooner and returned to Harrisburg.

The citizens of Harrisburg had been preparing for a grand ball and barbecue before the trouble at Anahuac. When they heard the Mexicans would be brought there they sent word to the people of the different settlements to attend.

The disarming of the garrison at Anahuac was not approved by the older citizens. Those who had families with all they possessed in Texas wished rather to pay duties to Mexico than to fight.

July, 1835.—*The Celebration of the Fourth of July after the Fall of Anahuac*

Well, the Fourth of July brought out quite a crowd. The Texans and Mexicans arrived in time for the barbecue, but the ball was put off until the fifth. A man died in town the morning of the Fourth, and Mr. Choate, the musician, would not play till the corpse was buried. The men spent the day talking war and politics. Families from the country camped. Ladies were shopping and visiting and young people were having a good time. Mr. Travis and P. H. Jack had been prisoners in Anahuac in the year 1832. In this year they were having their revenge. Captain Tenorio walked among the people shaking hands with the men and acting as if he was the hero of the occasion. The Mexican soldiers sat and smoked and played cards. The funeral came off the morning of the fifth, everybody attending. Mr. Choate read the burial services, and after the funeral we had dinner and then dancing. We danced in a new storehouse. It was built by Mr. Stafford. He would have brought dry goods and opened a store if the trouble at Anahuac could have been peaceably arranged. The Mexican officers were at the ball. They did not dance country dances. Mr. Kokernot and his wife were Germans. They waltzed, and Captain Tenorio danced with Mrs. Kokernot. She could speak French and Captain Tenorio also was a French scholar, so they danced and talked all the evening. She was handsome and he a fine looking man, and they attracted a great deal of attention.

The people went home on the sixth, the young folks happy, the old people gloomy. The Mexican prisoners were to be sent to San Antonio in a few days. The disarming of the garrison at Anahuac was without bloodshed. There was but one man wounded, and he was shot by the Mexicans when they arrested Mr. Briscoe and Clinton Harris.

Our school opened again on the tenth. The teacher said the

young men and boys did not study. They talked war all the time and seemed to think that two or three hundred Texans could whip Mexico.

Major Bingham went to San Felipe, and on his return he stayed one night with father. He thought William B. Travis and others would keep up the agitation. He said there was an order from San Antonio to arrest several Texans and send them to Mexico for trial, but there was no one to make the arrest.

August, 1835

Father was the only man in this neighborhood that had seen war. He said he had done his share in 1812. Mr. Henson and Major Bingham were both Irish and had seen when quite young the rebellion in Ireland in the year 1798. It seemed that they would be glad to fight England or the Indians. Both were ready to raise volunteers and would defend Travis and his companions if necessary.

The farmers had fine crops. Cotton was open and corn getting hard. Our school was doing well, but the people were in dread all the time. When the news was received in Mexico that Anahuac had been forced to surrender by the Texans, an order was issued to Colonel Ugartechea to arrest seven Texans and send them to San Antonio to be tried by court martial. This was more than the people could bear. There was great excitement. A convention was called to meet at San Felipe the 12th of September. There was a meeting in our neighborhood to elect a delegate to this convention. The farmers had not much time to spare, but they would not see the Texans arrested.

There was a strange Mexican at San Felipe who said he was just from Mexico. He said there was a large army marching from Mexico to garrison San Antonio, Anahuac, Velasco and all towns in Texas. He said Stephen F. Austin had been liberated and would soon be home. He advised the people to stop holding political meetings and give up the men who disarmed the garrison at Anahuac. He spoke English and said he was a friend of Stephen F. Austin and to Texas. Our people did not believe a word the Mexican said. They thought the Mexican government had sent him to watch the Texans. Some of them would have had him arrested, but there was no jail in Austin's colony, and no one had time to guard the man. At the election in our neighborhood Mr. C. C. Dyer was chosen a delegate to the convention. Harrisburg elected Andrew Briscoe and William P. Harris. The convention was called to meet at San Felipe, the capital of Texas.

A priest, Padre Alpuche, disappeared. He had been traveling in Texas and Louisiana several years. He was loved by Protestants as well as Catholics. The young people looked for his arrival with

the greatest pleasure. He would marry all those who had signed a certificate before the Mexican alcalde to remarry when the priest came. He would baptize the children, bury the dead, visit the sick and pray for the dying. He had not been in San Felipe for three years. When he appeared there he was riding a good mule. He said he had been in Europe and had landed at New Orleans and gone from there to Nacogdoches. He heard in New Orleans of the trouble in Texas. He did not take any part in political affairs, but pretended to be a friend to the Texans. He stayed a week in San Felipe, stopping at the boarding house. He could speak English and heard all the Texans had to say. He came in the night. One morning he saddled his mule and went to the river to water the mule, and that was the last time he was seen.

October, 1835

The convention met at San Felipe in October. The first act was a call for volunteers to capture San Antonio before it could be reinforced by General Cos.

Our school closed in September. The teacher said there was so much excitement that it affected the small children, and the young men could not be got back in school at all after the election in September. There was a constant talk of war. Messengers from San Felipe going to Brazoria and Harrisburg stopped at our house from time to time and told the news. All the men in our neighborhood went to San Felipe. Stephen F. Austin was elected to command the army, and it was to rendezvous on the Guadalupe river at Gonzales.

This month we heard again from the priest, Padre Alpuche. He was in San Antonio, and had been in fact a spy sent from Mexico through New Orleans and Nacogdoches to San Felipe.

November, 1835

Mrs. Stafford came home in a schooner from New Orleans. She had spent two weeks in that city waiting for the schooner. She said there was a good deal of excitement there about Texas, but they never got any news direct from Mexico. The captains of ships told them that Mexico had no idea of sending a large army to Texas. We heard so many different reports that we did not know what to believe. Mrs. Stafford was to stay until spring and take some of the negroes back to the United States. She would have gone at once, but she had to wait until the cotton was gathered and sold.

There was no mistake about General Cos and his army. He got to San Antonio before the Texans organized. It was said that he was going to march through Texas during the winter, liberate the slaves, and force all discontented persons to leave the country. Every

man and boy that had a gun and horse went to the army, and the women and children were left to finish picking the cotton. There were but three men left in our neighborhood—father, Adam Stafford, and Moses Shipman. Father was keeping two boys, one named Alexander Armstrong, and the other William Morris. They were orphans and half brothers. One of them was fifteen years old, and the other eleven. Brother Granville was thirteen. These boys were picking cotton and talking war all the time. Father said if they had guns and horses they would go to the army.

Mr. Dyer came home from San Felipe and said there was so much dissension among the delegates he would not wait for the convention to adjourn. As he and his wife were going to the United States on business, he thought it best to come away. They went on to the United States, taking passage from Harrisburg on the same schooner that Mrs. Stafford came home on. Adam Stafford and Mr. Dyer shipped cotton at the same time.

Since the garrison at Anahuac had been forced to surrender, the schooners were coming to Harrisburg frequently. The captains said there was a Mexican war vessel near Galveston Island. Farmers in our neighborhood would not ship any more cotton from Harrisburg then. A steamboat had been sent from New Orleans, which was to run from Brazoria on the Brazos river to San Felipe and Washington, and the cotton at Stafford's gin was to be hauled and piled near Mr. William Little's at the Henry Jones ferry. The steamboat was the Yellowstone. She had been in the St. Louis trade when father's family lived in that city in the years '29 to '32. She was now to remain in the Texas trade, and was to carry the cotton to the mouth of the Brazos, where it was to be shipped on schooners to New Orleans. Father had promised us children to take us to see the steamboat when she was at the landing, and Mr. Jones said he would give a grand ball Christmas, when the captain of the boat had told him he expected to be at the ferry. Mr. Jones lived on the west bank of the Brazos, and Mr. Little on the east bank.

We heard that the Texans had General Cos and the Mexican army surrounded in San Antonio, and that there had been fighting, but that none of our neighbors were engaged in it except Leo Roark. His mother and sisters were very uneasy on his account.

December, 1835

Everything was at a standstill and times very gloomy. The Brazos river was so low the steamboat couldn't go up. She was to go to Groce's ferry to a little town called Washington. There were two towns in Austin's colony named Washington, one above San Felipe, the other on Galveston bay.[1]

[1] Washington on Galveston Bay was laid out by Col. James Morgan, and

There was a new girl baby at our house born the fifth of the month. Sister and I were very happy over the babe. Brother Granville and the two orphan boys teased us and said we couldn't go to see the steamboat or attend the ball, but we were so pleased with our little sister that we did not care. Father said he was very proud of his four daughters, and that he would be as popular as Mr. Choate when they were grown. Mr. Choate had seven daughters, three of them married. Father said his only trouble was to get a wagon to haul his daughters around.

We heard that the Texans had captured San Antonio, and that General Cos was a prisoner. The fighting commenced on the fifth of the month, but the Mexicans did not surrender until the tenth. None of the men from our neighborhood were killed or wounded, but several we knew were wounded. Messrs. Bell and Neal came home and said that General Cos and the Mexicans under his command had been sent across the Rio Grande.

Father went to Columbia and Brazoria with a cart-load of peltry, consisting of the skins of otters, deer, bears, panthers, wild cats, wolves, and 'coons. He was in need of medicines, powder, and lead, and could not wait any longer for the steamboat, which went up the river later.

January, 1836

Father returned home on New Year's day, after having been gone two weeks. He sold the hides and laid in a good supply of drugs and medicines. He would have gone to Harrisburg, but there was no drug store in that place. He said it would have been better to haul his cotton to Harrisburg than wait for the steamboat, and that it was doubtful whether he could get it to market before May or June. He got an advance of one hundred dollars on his cotton. While he was gone he met some of the English people that had lived in our neighborhood. Mr. Page had moved to Galveston bay, and the Adkinses were living on the Brazos near Columbia. Miss Jane Adkins, the pretty English girl, was married, and so was her mother, the widow Adkins.

All the men and boys that went to the army from our part of the country had come home and were at work. They seemed to think there would be no more trouble with Mexico. There had been a garrison of Texas soldiers left at San Antonio under Colonel Travis. There were men enough in Texas to have organized a large army if they could all have been concentrated at one point.

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was called by him New Washington. It was located on the Johnson Hunter league, and as it was the residence of Col. Morgan it became known as Morgan's Point, which name it bears. At this place, only a few days before the battle of San Jacinto, Santa Anna and his staff came near capturing President David G. Burnet as the latter was boarding the schooner *Flash,* Captain Luke Falvel, for Galveston.—Adele B. Looscan.

The people became very much discouraged on learning that Mexico had sent a revenue cutter to Galveston. It didn't try to land, but anchored outside. There were several schooners at Harrisburg loaded with cotton and hides, that couldn't get out. The captains said that the first big storm that came would blow the war ship away, and that then they would run out.

February, 1836

Every farmer was planting corn. Mr. Dyer and his wife came from New Orleans on board a schooner which entered the mouth of the Brazos, but they didn't see the revenue cutter. They came on the boat to Columbia, and from there on horseback. They had heard such bad news that they did not finish their visit. It was that Generals Santa Anna and Cos with a large army were *en route* for Texas. This news was brought direct from Tampico, Mexico, to New Orleans by an American who came on a French ship. The Dyers said men and munitions were coming to Texas. We had heard this news before, but didn't know whether it was true.

Mrs. Stafford went away, taking one negro woman and two negro children, besides her own child, and Mr. Harvey Stafford went with them. They traveled on horseback, and their friends were very uneasy on their account, as there were Indians on the Trinity river, and also in East Texas.

The news that Santa Anna was marching on San Antonio was confirmed. The people at Goliad and San Patricio were leaving their homes, and everybody was preparing to go to the United States. There was more or less dissension among the members of the Council of the Provisional Government. They deposed Governor Smith and installed Lieutenant Governor Robinson. The Mexican army arrived at San Antonio, and the Council went to Washington on the Brazos. People were crossing the river at Fort Bend and Jones' ferry going east with their cattle and horses. Everybody was talking of running from the Mexicans.

March, 1836.—*The Fall of the Alamo*

The people had been in a state of excitement during the winter. They knew that Colonel Travis had but few men to defend San Antonio. He was headstrong and precipitated the war with Mexico, but died at his post. I remember when his letter came calling for assistance. He was surrounded by a large army with General Santa Anna in command, and had been ordered to surrender, but fought till the last man died. A black flag had been hoisted by the Mexicans. This letter came in February. I have never seen it in print, but I heard mother read it. When she finished, the courier who brought it went on to Brazoria. I was near eleven years old, and I remember

well the hurry and confusion. Uncle James Wells came home for mother to help him get ready to go to the army. We worked all day, and mother sat up that night sewing. She made two striped hickory shirts and bags to carry provisions. I spent the day melting lead in a pot, dipping it up with a spoon, and moulding bullets. The young man camped at our house that night and left the next morning. Our nearest neighbors, Messrs. Dyer, Bell, and Neal, had families, but went to join General Houston. Father and Mr. Shipman were old, and Adam Stafford a cripple, and they stayed at home.

By the 20th of February the people of San Patricio and other western settlements were fleeing for their lives. Every family in our neighborhood was preparing to go to the United States, and wagons and other vehicles were scarce. Mr. Stafford, with the help of small boys and negroes, began gathering cattle. All the large boys had gone to the army.

By the last of February there was more hopeful news. Colonel Fannin with five hundred men was marching to San Antonio, and General Houston was on the way to Gonzales with ten thousand.[2]

Father finished planting corn. He had hauled away a part of our household furniture and other things and hid them in the bottom. Mother had packed what bedding, clothes, and provisions she thought we should need, ready to leave at a moment's warning, and Father had made arrangements with a Mr. Bundick to haul our family in his cart; but we were confident that the army under General Houston would whip the Mexicans before they reached the Colorado river.

Just as the people began to quiet down and go to work, a large herd of buffaloes came by. There were three or four thousand of them. They crossed the Brazos river above Fort Bend, and came out of the bottom at Stafford's Point, making their first appearance before day. They passed in sight of our house, but we could see only a dark cloud of dust, which looked like a sand storm. Father tried to get a shot at one, but his horse was so fractious that it was impossible. As the night was very dark we could not tell when the last buffalo passed. We were terribly frightened, for it was supposed that the Indians were following the herd. The buffaloes passed and went on to the coast, and the prairie looked afterwards as if it had been plowed.[3]

We had been several days without any news from the army, and did not know but that our men had been massacred. News was carried at that time by a man or boy going from one neighborhood to another. We had heard that the Convention had passed a decla-

[2] These reports were, of course, untrue.

[3] This was the last time that buffaloes in large numbers were seen in this part of Texas; but for some years a few ranged on Mustang and Chocolate Bayous, and a Mr. Hill, of Grimes county, had several running with his cattle as late as the early 40's.—Adele B. Looscan.

ration of independence, and elected David G. Burnet president, and Sam Houston commander-in-chief of the army. On the 12th of March came the news of the fall of the Alamo. A courier brought a dispatch from General Houston for the people to leave. Colonel Travis and the men under his command had been slaughtered, the Texas army was retreating, and President Burnet's cabinet had gone to Harrisburg.

Then began the horrors of the "Runaway Scrape." We left home at sunset, hauling clothes, bedding, and provisions on the sleigh with one yoke of oxen. Mother and I were walking, she with an infant in her arms. Brother drove the oxen, and my two little sisters rode in the sleigh. We were going ten miles to where we could be transferred to Mr. Bundick's cart. Father was helping with the cattle, but he joined us after dark and brought a horse and saddle for brother. He sent him to help Mr. Stafford with the cattle. He was to go a different road with them and ford the San Jacinto. Mother and I then rode father's horse.

We met Mrs. M——. She was driving her oxen home. We had sent her word in the morning. She begged mother to go back and help her, but father said not. He told the lady to drive the oxen home, put them in the cow pen, turn out the cows and calves, and get her children ready, and he would send assistance.

We went on to Mrs. Roark's, and met five families ready to leave. Two of Mr. Shipman's sons arrived that night. They were mere boys, and had come to help their parents. They didn't go on home; father knew that Mr. Shipman's family had gone that morning, so he sent them back for Mrs. M—'s.

It was ten o'clock at night when we got to Mrs. Roark's. We shifted our things into the cart of Mr. Bundick, who was waiting for us, and tried to rest till morning. Sister and I had been weeping all day about Colonel Travis. When we started from home we got the little books he had given us and would have taken them with us, but mother said it was best to leave them.

Early next morning we were on the move, mother with her four children in the cart, and Mr. Bundick and his wife and negro woman on horseback. He had been in bad health for some time and had just got home from visiting his mother, who lived in Louisiana. He brought with him two slaves, the woman already mentioned and a man who was driving the cart; and, as Mr. Bundick had no children, we were as comfortable as could have been expected.

We had to leave the sleigh. Sister and I had grieved all the day before about Colonel Travis, and had a big cry when our brother left us. We were afraid Mrs. M— would be left at home. We had a fresh outburst of grief when the sleigh was abandoned, but had the satisfaction of seeing Mrs. M— and her children.

Mr. Cotie would not go to the army. He hauled five families in

the big blue wagon with his six yoke of oxen, besides negroes, provisions, bedding, and all the plunder the others could not carry.

March, 1836.—*The Runaway Scrape*

We camped the first night near Harrisburg, about where the railroad depot now stands. Next day we crossed Vince's Bridge and arrived at the San Jacinto in the night. There were fully five thousand people at the ferry. The planters from Brazoria and Columbia with their slaves were crossing. We waited three days before we crossed. Our party consisted of five white families: father's, Mr. Dyer's, Mr. Bell's, Mr. Neal's, and Mr. Bundick's. Father and Mr. Bundick were the only white men in the party, the others being in the army. There were twenty or thirty negroes from Stafford's plantation. They had a large wagon with five yoke of oxen, and horses, and mules, and they were in charge of an old negro man called Uncle Ned. Altogether, black and white, there were about fifty of us. Every one was trying to cross first, and it was almost a riot.

We got over the third day, and after travelling a few miles came to a big prairie. It was about twelve miles further to the next timber and water, and some of our party wanted to camp; but others said that the Trinity river was rising, and if we delayed we might not get across. So we hurried on.

When we got about half across the prairie Uncle Ned's wagon bogged. The negro men driving the carts tried to go around the big wagon one at a time until the four carts were fast in the mud. Mother was the only white woman that rode in a cart; the others travelled on horseback. Mrs. Bell's four children, Mrs. Dyer's three, and mother's four rode in the carts. All that were on horseback had gone on to the timber to let their horses feed and get water. They supposed their families would get there by dark. The negro men put all the oxen to the wagon, but could not move it; so they had to stay there until morning without wood or water. Mother gathered the white children in our cart. They behaved very well and went to sleep, except one little boy, Eli Dyer, who kicked and cried for Uncle Ned and Aunt Dilue till Uncle Ned came and carried him to the wagon. He slept that night in Uncle Ned's arms.

Mother with all the negro women and children walked six miles to the timber and found our friends in trouble. Father and Mr. Bundick had gone to the river and helped with the ferry boat, but late in the evening the boat grounded on the east bank of the Trinity and didn't get back until morning. While they were gone the horses had strayed off and they had to find them before they could go to the wagons. Those that travelled on horseback were supplied with provisions by other campers. We that stayed in the prairie had to eat cold corn bread and cold boiled beef. The wagons and carts

didn't get to the timber till night. They had to be unloaded and pulled out.

March, 1836.—*Crossing the Trinity River*

At the Trinity river men from the army began to join their families. I know they have been blamed for this, but what else could they have done? The Texas army was retreating and the Mexicans were crossing the Colorado, Col. Fannin and his men were prisoners, there were more negroes than whites among us and many of them were wild Africans, there was a large tribe of Indians on the Trinity as well as the Cherokee Indians in Eastern Texas at Nacogdoches, and there were tories, both Mexicans and Americans, in the country. It was the intention of our men to see their families across the Sabine river, and then to return and fight the Mexicans. I must say for the negroes that there was no insubordination among them; they were loyal to their owners.

Our hardships began at the Trinity. The river was rising and there was a struggle to see who should cross first. Measles, sore eyes, whooping cough, and every other disease that man, woman or child is heir to, broke out among us. Our party now consisted of the five white families I first mentioned, and Mr. Adam Stafford's negroes. We had separated from Mrs. M— and other friends at Vince's bridge.

The horrors of crossing the Trinity are beyond my power to describe. One of my little sisters was very sick, and the ferryman said that those families that had sick children should cross first. When our party got to the boat the water broke over the banks above where we were and ran around us. We were several hours surrounded by water. Our family was the last to get to the boat. We left more than five hundred people on the west bank. Drift wood covered the water as far as we could see. The sick child was in convulsions. It required eight men to manage the boat.

When we landed the lowlands were under water, and everybody was rushing for the prairie. Father had a good horse, and Mrs. Dyer let mother have her horse and saddle. Father carried the sick child, and sister and I rode behind mother. She carried father's gun and the little babe. All we carried with us was what clothes we were wearing at the time. The night was very dark. We crossed a bridge that was under water. As soon as we crossed, a man with a cart and oxen drove on the bridge, and it broke down, drowning the oxen. That prevented the people from crossing, as the bridge was over a slough that looked like a river.

Father and mother hurried on, and we got to the prairie and found a great many families camped there. A Mrs. Foster invited mother to her camp, and furnished us with supper, a bed, and dry clothes.

The other families stayed all night in the bottom without fire or

anything to eat, and with the water up in the carts. The men drove the horses and oxen to the prairies, and the women, sick children, and negroes were left in the bottom. The old negro man, Uncle Ned, was left in charge. He put the white women and children in his wagon. It was large and had a canvas cover. The negro women and their children he put in the carts. Then he guarded the whole party until morning.

It was impossible for the men to return to their families. They spent the night making a raft by torch light. As the camps were near a grove of pine timber, there was no trouble about lights. It was a night of terror. Father and the men worked some distance from the camp cutting down timber to make the raft. It had to be put together in the water. We were in great anxiety about the people that were left in the bottom; we didn't know but they would be drowned, or killed by panthers, alligators, or bears.

As soon as it was daylight the men went to the relief of their families and found them cold, wet, and hungry. Many of the families that were water bound I didn't know; but there were among them Mr. Bell's three children, and Mrs. Dyer and her sister, Mrs. Neal, with five children. Mr. Bundick's wife had given out the first day that we arrived at the river. Her health was delicate, and as she and her husband had friends living near Liberty they went to their house. When the men on the raft got to those who had stayed all night in the Trinity bottom they found that the negroes were scared, and wanted to get on the raft; but Uncle Ned told them that his young mistress and the children should go first. It was very dangerous crossing the slough. The men would bring one woman and her children on the raft out of deep water, and men on horseback would meet them. It took all day to get the party out to the prairies. The men had to carry cooked provisions to them. The second day they brought out the bedding and clothes. Everything was soaked with water. They had to take the wagon and carts apart. The Stafford wagon was the last one brought out. Uncle Ned stayed in the wagon until everything was landed on the prairie. It took four days to get everything out of the water.

The man whose oxen were drowned sold his cart to father for ten dollars. He said that the had seen enough of Mexico and would go back to old Ireland.

It had been five days since we crossed the Trinity, and we had heard no news from the army. The town of Liberty was three miles from where we camped. The people there had not left their homes, and they gave us all the help in their power. My little sister that had been sick died and was buried in the cemetery at Liberty. After resting a few days our party continued their journey, but we remained in the town. Mother was not able to travel; she had nursed an infant and the sick child until she was compelled to rest.

A few days after our friends had gone a man crossed the Trinity in a skiff bringing bad news. The Mexican army had crossed the Brazos and was between the Texas army and Harrisburg. Fannin and his men were massacred. President Burnet and his cabinet had left Harrisburg and gone to Washington on the bay and were going to Galveston Island. The people at Liberty had left. There were many families west of the Trinity, among them our nearest neighbors, Mrs. Roark and Mrs. M—.

April, 1836.—*The Battle of San Jacinto*

We had been at Liberty three weeks. A Mr. Martin let father use his house. There were two families camped near, those of Mr. Bright and his son-in-law, Patrick Reels, from the Colorado river. One Thursday evening all of a sudden we heard a sound like distant thunder. When it was repeated father said it was cannon, and that the Texans and Mexicans were fighting. He had been through the war of 1812, and knew it was a battle. The cannonading lasted only a few minutes, and father said that the Texans must have been defeated, or the cannon would not have ceased firing so quickly. We left Liberty in half an hour. The reports of the cannon were so distant that father was under the impression that the fighting was near the Trinity. The river was ten miles wide at Liberty.

We travelled nearly all night, sister and I on horseback and mother in the cart. Father had two yoke of oxen now. One yoke belonged to Adam Stafford and had strayed and father found them. The extra yoke was a great help as the roads were very boggy. We rested a few hours to let the stock feed. Mr. Bright and two families were with us. We were as wretched as we could be; for we had been five weeks from home, and there was not much prospect of our ever returning. We had not heard a word from brother or the other boys that were driving the cattle. Mother was sick, and we had buried our dear little sister at Liberty.

We continued our journey through mud and water and when we camped in the evening fifty or sixty young men came by who were going to join General Houston. One of them was Harvey Stafford, our neighbor, who was returning from the United States with volunteers. Father told them there had been fighting, and he informed them that they could not cross the Trinity at Liberty. They brought some good news from our friends. Mr. Stafford had met his sisters, Mrs. Dyer, and Mrs. Neal. He said there had been a great deal of sickness, but no deaths. He said also that General Gaines of the United States army was at the Neches with a regiment of soldiers to keep the Indians in subjection, but didn't prevent the people from crossing with their slaves. General Gaines said the boundary line between the United States and Mexico was the Neches.

The young men went a short distance from us and camped. Then we heard some one calling in the direction of Liberty. We could see a man on horseback waving his hat; and, as we knew there was no one left at Liberty, we thought the Mexican army had crossed the Trinity. The young men came with their guns, and when the rider got near enough for us to understand what he said, it was "Turn back! The Texans have whipped the Mexican army and the Mexicans are prisoners. No danger! No danger! Turn back!" When he got to the camp he could scarcely speak he was so excited and out of breath. When the young men began to understand the glorious news they wanted to fire a salute, but father made them stop. He told them to save their ammunition, for they might need it.

Father asked the man for an explanation, and he showed a despatch from General Houston giving an account of the battle and saying it would be safe for the people to return to their homes. The courier had crossed the Trinity River in a canoe, swimming his horse with the help of two men. He had left the battlefield the next day after the fighting. He said that General Houston was wounded, and that General Santa Anna had not been captured.

The good news was cheering indeed. The courier's name was McDermot. He was an Irishman and had been an actor. He stayed with us that night and told various incidents of the battle. There was not much sleeping during the night. Mr. McDermot said that he had not slept in a week. He not only told various incidents of the retreat of the Texas army, but acted them. The first time that mother laughed after the death of my little sister was at his description of General Houston's helping to get a cannon out of a bog.

April, 1836.—*On the way back Home*

We were on the move early the next morning. The courier went on to carry the glad tidings to the people who had crossed the Sabine, but we took a lower road and went down the Trinity. We crossed the river in a flat boat. When Mr. McDermot left us the young men fired a salute. Then they travelled with us until they crossed the river.

We staid one night at a Mr. Lawrence's, where there were a great many families. Mrs. James Perry was there. She had not gone east of the Trinity. Her husband, Captain James Perry, was in the army. Mrs. Perry was a sister of Stephen F. Austin. My parents knew them in Missouri. She had a young babe and a pretty little daughter named Emily.

After crossing the river we had a disagreeable time crossing the bay. It had been raining two days and nights. There was

a bayou to cross over which there was no bridge, and the only way to pass was to go three miles through the bay to get around the mouth of the bayou. There were guide-posts to point out the way, but it was very dangerous. If we got near the mouth of the bayou there was quicksand. If the wind rose the waves rolled high.

The bayou was infested with alligators. A few days before our family arrived at the bay a Mr. King was caught by one and carried under water. He was going east with his family. He swam his horses across the mouth of the bayou, and then he swam back to the west side and drove the cart into the bay. His wife and children became frightened, and he turned back and said he would go up the river and wait for the water to subside. He got his family back on land, and swam the bayou to bring back the horses. He had gotten nearly across with them, when a large alligator appeared. Mrs. King first saw it above water and screamed. The alligator struck her husband with its tail and he went under water. There were several men present, and they fired their guns at the animal, but it did no good. It was not in their power to rescue Mr. King. The men waited several days and then killed a beef, put a quarter on the bank, fastened it with a chain, and then watched it until the alligator came out, when they shot and killed it. This happened several days before the battle.

We passed the bayou without any trouble or accident, except the loss of my sunbonnet. It blew off as we reached the shore. The current was very swift at the mouth of the bayou. Father wanted to swim in and get it for me, but mother begged him not to go in the water, so I had the pleasure of seeing it float away. I don't remember the name of the bayou, but a little town called Wallace was opposite across the bay. We saw the big dead alligator, and we were glad to leave the Trinity.

Father's horse had strayed, but we wouldn't stop to find it. He said when he got home he would go back and hunt for it.

April, 1836.—*On the San Jacinto Battle Field*

We arrived at Lynchburg in the night. There we met several families that we knew, and among them was our neighbor, Mrs. M——. She had travelled with Moses Shipman's family.

We crossed the San Jacinto the next morning, and stayed until late in the evening on the battle field. Both armies were camped near. General Santa Anna had been captured. There was great rejoicing at the meeting of friends. Mr. Leo Roark was in the battle. He had met his mother's family the evening before. He came to the ferry just as we landed, and it was like seeing a brother.

He asked mother to go with him to the camp to see General Santa Anna and the Mexican prisoners. She would not go, because, as she said, she was not dressed for visiting; but she gave sister and me permission to go to the camp. I had lost my bonnet crossing Trinity Bay and was compelled to wear a table cloth again. It was six weeks since we had left home, and our clothes were very much dilapidated. I could not go to see the Mexican prisoners with a table cloth tied on my head for I knew several of the young men. I was on the battle field of San Jacinto the 26th of April, 1836. The 28th was the anniversary of my birth. I was eleven years old.

We stayed on the battle field several hours. Father was helping with the ferry boat. We visited the graves of the Texans that were killed in the battle, but there were none of them that I knew. The dead Mexicans were lying around in every direction.

Mother was very uneasy about Uncle James Wells, who was missing. Mr. Roark said uncle had been sent two days before the battle with Messrs. Church Fulcher, and Wash Secrest to watch General Cos. They had gone to Stafford's Point, and were chased by the Mexicans and separated. Fulcher and Secrest returned before the battle. Mr. Roark says the burning of Vince's bridge prevented several of the scouts from getting back.

April, 1836.—*Leaving the San Jacinto Battle Ground*

Father worked till the middle of the afternoon helping with the ferry boat, and then he visited the camp. He did not see General Santa Anna, but met some old friends he had known in Missouri. We left the battle field late in the evening. We had to pass among the dead Mexicans, and father pulled one out of the road, so we could get by without driving over the body, since we could not go around it. The prairie was very boggy, it was getting dark, and there were now twenty or thirty families with us. We were glad to leave the battle field, for it was a grewsome sight. We camped that night on the prairie, and could hear the wolves howl and bark as they devoured the dead.

We met Mr. Kuykendall's family from Fort Bend, now Richmond. Their hardships had been greater than ours. They had stayed at home and had had no idea that the Mexican army was near. One day the negro ferryman was called in English, and he carried the boat across. On the other side he found the Mexicans, who took possession of the boat and embarked as many soldiers as it could carry. While they were crossing some one said it was Captain Wiley Martin's company. They knew he was above, near San Felipe, and men, women, and children ran down the river bank expecting to meet their friends; but just as the boat landed the negro ferryman

called out, "Mexicans!" There were three or four families of the Kuykendall's, and they ran for the bottom. Mrs. Abe Kuykendall had a babe in her arms. She ran a short distance and then thought about her little girl and went back. She saw her husband take the child from the nurse, and she afterwards said she was then the happiest woman in the world.

One old gentleman ran back to the house, got his money, went through a potato patch and buried it. The money was silver and was so heavy he could not carry it away. One young married woman with a babe in her arms ran into a big field and followed the party that was on the outside. The fence was high, and they had now gotten out of sight of the Mexicans, so the woman's husband came to the fence, and she gave him the child. He told her to climb over, but she turned and ran in a different direction. Her husband followed the other families. They stayed that night in a cane-brake without anything to eat, and the children suffered terribly. The next day they made their way to Harrisburg and got assistance. They were at Lynchburg during the battle, and were helped by General Houston, and furnished means to get back home.

Mrs. Abe Kuykendall nursed the child that had been left by its mother. She said they had heard from the mother. She had gone through the field and got out, and had gone twenty miles down the river to Henry Jones' ferry, where she fell in with some people she knew. She thought her husband and friends would go there. She was alone the first day and night, and the next day she got to Henry Jones'.

Early the next morning we were on the move. We had to take a roundabout road, for the burning of Vince's bridge prevented us from going directly home. We could hear nothing but sad news. San Felipe had been burned, and dear old Harrisburg was in ashes. There was nothing left of the Stafford plantation but a crib with a thousand bushels of corn. The Mexicans turned the houses at the Point into a hospital. They knew that it was a place where political meetings had been held.

Leo Roark told father while we were in the camps that he was confident Colonel Almonte, General Santa Anna's *aide-de-camp*, was the Mexican that had the horses for sale in our neighborhood the fourth of July, '34. Father could not get to see Colonel Almonte, for he was anxious to get us away from the battle ground before night.

The burning of the saw mill at Harrisburg and the buildings on Stafford's plantation was a calamity that greatly affected the people. On the plantation there were a sugar-mill, cotton-gin, blacksmith-shop, grist-mill, a dwelling-house, negro houses, and a stock of farming implements. The Mexicans saved the corn for bread, and it was a great help to the people of the neighborhood.

April, 1836.—*Going Home after the Battle*

We camped that evening on Sims' Bayou. We met men with Mexicans going to the army, and heard from Brother Granville. Mr. Adam Stafford had got home with the boys, and they were all well. We heard that the cotton that the farmers had hauled to the Brazos with the expectation of shipping it to Brazoria on the steamer Yellowstone, then at Washington, was safe. Father said if he got his cotton to market I should have two or three sun-bonnets, as he was tired of seeing me wearing a table-cloth around my head.

We heard that Uncle James Wells was at Stafford's Point. He made a narrow escape from being captured by the Mexicans. When he and Messrs. Secrest and Fulcher were run into the bottom, his horse ran against a tree and fell down, and uncle was badly hurt. He lost his horse and gun. He went into the bottom. He saw the houses burning on the Stafford plantation. As he was overseer there when he joined the army at the time when Colonel Travis called for assistance, it was like his home. General Cos marched on the next day, but left a strong guard at the Point.

While mother was talking about Uncle James, he and Deaf Smith rode up to our camp. It was a happy surprise. Uncle James's shoulder was very lame. The night after he lost his horse and gun he crawled inside the Mexican line and captured a horse and saddle. He then went into the bottom at Mrs. M——.'s house, where he found corn and bacon and a steel mill for grinding the corn. His arm was so lame he could not grind corn, so he ate fried eggs and bacon. He had been to our house, and he said everything we left on the place had been destroyed. He watched on the prairie that night till he saw so many Mexican fugitives wandering about that he knew there had been a battle. He met Deaf Smith and other men sent by General Houston to carry a dispatch from Santa Anna to Filisola. Deaf Smith told uncle all about the battle, and said he had captured General Cos the next day six miles south of Stafford's Point. Cos had a fine china pitcher full of water and one ear of corn. He carried Cos to the Point, where he got a horse, and then took him back to the San Jacinto battle ground. He left the fine pitcher at the Point, and he gave it to Uncle James. Uncle stayed there till Mr. Smith returned from Filisola's camp with an answer to Santa Anna's dispatch.

Mr. Smith could speak Spanish. He said that when he captured General Cos, whom he did not know, he asked him if he had been in the battle. On being answered in the affirmative, he asked him if he had been a prisoner. General Cos replied that he had not, but that he escaped after dark the evening of the battle, and that he abandoned his horse at the burnt bridge. Smith then asked him if he had seen General Cos, and he said that he had not. Smith con-

tinued: "I am Deaf Smith, and I want to find General Cos. He offered one thousand dollars for my head, and if I can find him I will cut off his head and send it to Mexico." When they arrived at the battle ground he was very much surprised to find his prisoner was General Cos. He took the horse and saddle back to Uncle James, and gave him the fine pitcher, and when we got home uncle gave the pitcher to mother.

Father examined uncle's shoulder, and said there were no bones broken, and that he would be well in three or four weeks. Mother had some of Uncle James' clothing. She trimmed his hair, and made him go to the bayou, bathe, and put on clean clothes. All our soldiers were dirty and ragged. As Uncle James had fever, mother wanted him to go home with her, but he would not. He said that he had been absent from the army ten days, and must report to headquarters.

Deaf Smith was very anxious to get back to the army. He was dark and looked like a Mexican. He was dressed in buckskin and said that he would be ashamed to be seen in a white shirt. He said that Uncle James would be taken for a tory or a stay-at-home.

Deaf Smith was the man that helped burn the Vince bridge. He said if the bridge had not been destroyed, General Filisola would have heard of Santa Anna's defeat and would have marched to his assistance, as he was not more than thirty miles from the battle ground. General Urrea was also on the west bank of the Brazos river with a division of the Mexican army. When the first fugitives from the battle field arrived at the headquarters of Filisola, he did not believe their report, but when others came with the horrid tidings, he became convinced. The Mexican fugitives gave such a dreadful account of Santa Anna's fall that General Filisola, when Deaf Smith arrived, was preparing to cross the river to join General Urrea.

Mr. Smith left our camp before daylight. Uncle James Wells stayed with us until we were ready to start home. He was sick all night, and father gave him medicine and bound up his arm.

General Santa Anna was captured the next day after the battle. He was seen by Captain Karnes to plunge into the bayou on a fine black horse. He made his escape from the battle ground on Allen Vince's horse, but not on the fine saddle. The horse went home carrying a common saddle. He was taken to headquarters and after a few days was restored to Allen Vince. James Brown went to General Sherman and pointed out the horse. General Santa Anna was captured by James A. Silvester, Washington Secrest, and Sion Bostick. A Mr. Cole was the first man that got to Santa Anna. He was hid in the grass, was dirty and wet, and was dressed as a common soldier. He rode to the camps behind Mr. Robinson. The men had no idea that they had Santa Anna a prisoner till the Mexicans began to say in their own language, "the president."

April 30, 1836.—*Going Home. Mrs. Brown's Family*

We stayed one day on Sims' Bayou. There were more than one hundred families, and all stopped to rest and let the stock feed. We met a Mrs. Brown[1] who was living at William Vince's when the Mexican army crossed the bridge. They took possession of Allen Vince's fine black horse. Mrs. Brown's son James, a lad aged thirteen, went and mounted the horse and would not give him up. The Mexicans made the boy a prisoner. His mother came out and asked for General Santa Anna. Colonel Almonte came out and asked in English what he could do for her. She told him she was a subject of the king of England, and demanded protection. Almonte assured her that she and her children would not be hurt, and ordered her son to be liberated. Santa Anna's servant put a fine saddle on the horse. It was ornamented with gold, and had solid gold stirrups. When the captured plunder was sold at auction, the Texas soldiers bid it in and presented it to General Houston. Mrs. Brown stayed at Mr. William Vince's till after the battle. We met some English friends from Columbia that were going home. The Adkinses that lived in our neighborhood were relatives of Mrs. Brown. We met the pretty English girl, Jenny Adkins. She was married and was the mother of two children.

April 30, 1836.—*Home, Sweet Home*

We camped one day and two nights on Sims' Bayou. We had traveled since the twenty-first, without resting, half the time in mud and water. It was only fifteen miles home.

Early in the morning we broke camp. We were alone; the other families lived farther down the country. The weather was getting warm, and we stopped two hours in the middle of the day at a water hole. When the sun set we were still five miles from home.

We overtook our nearest neighbor, Mrs. M——. She had left Sims' Bayou that morning with the Shipman family, but had separated from them, saying she could find the way home. One of her oxen got down, and she could neither get it up nor get the yoke off the other ox. When we drove up she had her four children on her horse and was going to walk to our house. She knew that we had started home that morning. If we had not stopped two hours we should have been with her about the middle of the afternoon. Father unyoked her oxen, and turned loose one of his that was broken

[1] Mrs. Brown was a Scotch woman. Her son, James K. Brown, afterwards became a prominent merchant of Galveston. He never married, and has been dead many years. A daughter Jessie married a Mr. Wade and lived in St. Louis.—Adele B. Looscan.

Mrs. Harris adds a note to the effect that Mrs. Brown gave a description of the fine saddle and recounted the story of the burning of the bridge.

down and put the other along with Mrs. M——'s stronger ox to her cart. It was now dark and we traveled slower. The oxen were tired and kept feeding all the time. One of Mrs. M——'s daughters and I rode her horse; it was a great relief to me, for I was tired of riding in the cart.

It was ten o'clock when we got home. We camped near the house.

Sunday morning, May 1, 1836.—*Home*

Father said we could not go in until morning. Uncle James told mother that the floor had been torn up by the Mexicans in searching for eggs. He would have put the house in order, but his shoulder and arm were so painful he could not work.

As soon as it was light enough for us to see we went to the house, and the first thing we saw was the hogs running out. Father's bookcase lay on the ground broken open, his books, medicines, and other things scattered on the ground, and the hogs sleeping on them. When Mrs. M——'s children, sister and I got to the door, there was one big hog that would not go out till father shot at him. Then we children began picking up the books. We could not find those that Colonel Travis gave us, but did find broken toys that belonged to our dear little sister that died. Through the joy and excitement since the battle of San Jacinto, we had forgotten our sad bereavement.

The first thing that father did after breakfast was to go to the corn field. He had planted corn the first of March, and it needed plowing. He did not wait for Monday, or to put the house in order, but began plowing at once. His field was in the bottom, and he had hidden his plow.

Mother said I should ride Mrs. M——'s horse, and go to Stafford's Point and bring Brother Granville home. I did not want to go. Sister said that I could wear her bonnet. My dress was very much the worse for wear. It was pinned up the back, my shoes were down at the heels, and my stockings were dirty. I was greatly embarrassed, for I knew all the boys were at the Point. I did all the primping that the circumstances would permit, plaiting my hair, etc. I had had my face wrapped in a table cloth till it was thoroughly blanched. When I got to the Point there were more than one hundred people there, men, women, children, negroes, and Mexicans. Many of the Mexicans were sick and wounded; I had never seen such a dirty and ragged crowd. The boys were without shoes and hats, and their hair was down to their shoulders. After I had met them I did not feel ashamed of my appearance. Brother got his horse, and we went home.

I was not near the burnt buildings; the plantation was in the bottom, on Oyster Creek. The Stafford family used the house at the Point for a summer residence; and, as they brought their negroes

out of the bottom in the summer, there were a good many houses at the Point.

When brother and I got home we found mother and Mrs. M—— at the wash tub. I was shocked, for mother had always kept the Sabbath. At noon father and brother put down the floor, Mrs. M——'s girls and I scoured it, and we moved in.

Mrs. M—— took a bucket and went back to give water to her sick oxen, but found the ox dead. Brother Granville helped her to move home that evening.

Mother was very despondent, but father was hopeful. He said Texas would gain her independence and become a great nation.

Uncle James Wells came home with two Mexicans for servants, and put them to work in the corn field. There was now a scarcity of bread. The people came back in crowds, stopping at Harrisburg and in our neighborhood. A colony of Irish that had left San Patricio in February stopped at Stafford's Point.

Father had hid some of our things in the bottom, among them a big chest. Mother had packed it with bedding, clothes, and other things we could not take when we left home. After a few days, Uncle and brother hauled it to the house, and that old blue chest proved a treasure. When we left home we wore our best clothes. Now our best clothes were in the chest, among them my old sunbonnet. I was prouder of that old bonnet than in after years of a new white lace one that my husband gave me.

By the middle of May our neighbors that we had parted from came home. They had got to the Sabine River before they heard of the battle of San Jacinto.

Father and the men that had cotton on the banks of the Brazos went to the river to build a flat boat to ship their cotton to Brazoria. Mother said that it would be best for them to wait a few days, but they would not stop. They said that as they had been camping for two months it would make them sick to sleep in a house. Uncle James stayed with us. He had several bales of cotton, but was not able to work. He looked after our Mexicans and helped the women in the neighborhood to get their corn worked. They all got Mexicans, but it required an overseer to make them work.

There was no prospect of a cotton crop in our neighborhood. The people had been very short of provisions, and there would have been suffering among them if the citizens of New Orleans had not sent a schooner load to Harrisburg. The provisions were distributed without cost.

There was considerable talk of a new town's being started on Buffalo Bayou about ten miles above Harrisburg by the Allen brothers. They wanted to buy out the Harris claim at Harrisburg, but the Harris brothers would not sell.

June, 1836.—*Shipping Cotton on a Flatboat*

The first of June the men sent word that they had the cotton on a boat ready to start, and that Uncle Ned should be sent with the Stafford's wagon to bring home family supplies. It was more than fifty miles by land, but a long and dangerous route by water.

The new town laid out by the Allens was named Houston, in honor of General Houston. There were circulars and drawings sent out, which represented a large city, showing churches, a court-house, a market house and a square of ground set aside to use for a building for Congress, if the seat of government should be located there.

PART II

REPUBLIC AND STATE, 1836–1928

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CHAPTER XXVII

A SURVEY OF THE HOME AFFAIRS OF THE REPUBLIC

By Eugene C. Barker

[This survey of the domestic history of the Republic of Texas is from the editor's edition of Johnson's *Texas and Texans.* With the following chapter, it supplies the narrative thread of Texas history from 1836 to 1846. It can be supplemented by numerous special studies on particular topics of the period. Read: Garrison, *Texas,* Chapter XIX; Barker, Potts, and Ramsdell, *A School History of Texas,* 143–168; Miller, *A Financial History of Texas* (University of Texas Bulletin), 9–28; Winkler, "The Seat of Government of Texas," in The *Quarterly* of the Texas State Historical Association, X, 141–171, 185–245; Muckleroy, "The Indian, Policy of the Republic of Texas," in *Southwestern Historical Quarterly,* XXV, 229–260, XXVI, 1–29, 128–148, 184–206.]

The domestic history of the Republic may be briefly summarized. President Burnet's administration was inaugurated at the gloomiest moment of the war. The Alamo had fallen, and Santa Anna's main division was advancing toward the heart of the colonies; Urrea, after destroying Johnson and Grant's forces, was pushing toward Fannin at Goliad; Houston was retreating from Gonzales; and the roads east of the Guadalupe were thronged with fugitives, seeking a refuge in Eastern Texas or across the Sabine. Considering Washington on the Brazos too exposed for the seat of government, President Burnet established himself at Harrisburg. From there the approach of Santa Anna drove him about the middle of April to Galveston Island; but there were no accommodations at Galveston, and after the battle of San Jacinto the government made its third shift to Velasco. Finally, the close of the administration in October found the government at Columbia. In the midst of such confusion definite policies were not to be expected. The President simply met problems as they arose and dealt with them as he could.

Prior to the battle of San Jacinto, such time as the wanderings of the government permitted was employed in efforts to calm the fugitives, strengthen the army, and obtain supplies. These efforts were not conspicuously successful. The people were panic stricken, and paid little attention to Burnet's reassuring proclamations. Volunteers came but slowly to the army; and the substitution of Thomas Toby and Brother in New Orleans for William Bryan as purchasing agent of Texas was all but disastrous. Bryan had been appointed by

the General Council in the fall of 1835, and had used his personal credit for nearly eighty thousand dollars in the Texan cause; while the Toby brothers were said to be on the verge of bankruptcy at the time of their appointment, and proved themselves far less efficient than Bryan had been.

Following the battle of San Jacinto the execution of the Treaty of Velasco became an issue. According to the secret treaty, the Texan government was to release Santa Anna and send him back to Mexico, where he agreed to use his influence to induce his government to recognize the independence of Texas. On June 1 Santa Anna was placed on board a government vessel destined for Vera Cruz, but before it got under way, on June 3, a party of immigrant volunteers arrived from New Orleans, and on learning that it was the intention to liberate the author of the Alamo and Goliad massacres demanded that he be surrendered to them. In the end the civil authorities were compelled to recall Santa Anna and turn him over to the army. He protested against this breach of the treaty and complained of the hardships to which he was exposed; but to this Burnet somewhat sharply replied that Santa Anna's visit among the Texans had caused them some privations and that for that reason they were little inclined to regret that he should share them. In July Santa Anna appealed to President Jackson to offer intervention in adjusting the relations between Texas and Mexico, but the Mexican government had disavowed the Treaty of Velasco and had notified the powers that it would not recognize as binding upon it any act of Santa Anna, so that President Jackson took no action. After the failure of an attempt to rescue the distinguished prisoner, he was placed in very rigorous confinement, and it was not until the inauguration of President Houston in October that he was released. He then visited Washington and again proposed intervention to President Jackson but Jackson declined to act. In February, 1837, he returned to Mexico, being carried to Vera Cruz by a naval vessel of the United States. The other Mexican prisoners captured at San Jacinto were liberated early in Houston's administration, after detention first at Galveston and later at Liberty.

The interference of the army in the case of Santa Anna reveals another source of confusion during the period of the *ad interim* government. The refusal of Mexico to accept the verdict of San Jacinto and its evident determination to renew the invasion of Texas, made it necessary for the Texans to maintain a strong defensive force. This was composed chiefly of volunteers from the United States, many of whom did not yield patiently to discipline. When General Houston went to New Orleans to obtain treatment for his ankle, wounded at San Jacinto, the command devolved on General Thomas J. Rusk, secretary of war; and when, shortly afterward, Rusk resigned and the cabinet appointed Mirabeau B. Lamar to succeed

him, the men refused to accept Lamar and elected instead General Felix Huston.

By mid-summer order was sufficiently restored for the people to give some attention to the establishment of a regular government. On July 23rd, President Burnet issued a proclamation calling an election for the first Monday in September. The Congress then elected was to meet at Columbia the first Monday in October. Besides the election of officers the people were asked to vote on two other matters: (1) whether Congress should be given authority to amend the constitution; and (2) whether Texas should seek annexation to the United States. Three candidates for the presidency appeared, Austin, Henry Smith, and General Houston. Houston was elected by a large majority, and immediately appointed Austin secretary of state and Smith secretary of the treasury. The constitution was ratified and the power of amendment was withheld from Congress. The vote in favor of annexation stood 3277 to 91.

President Burnet's message to the first Congress on October 4 reviewed the troubled career of the *ad interim* government and indicated the subjects which in his opinion required the immediate attention of Congress. Concerning his administration he said: "It will be recollected that the powers conferred on the Government, *ad interim*, were extraordinary; that they comprised the plenal attributes of sovereignty, the legislative and judicial functions excepted. The circumstances under which that government has been administered, have been equally extraordinary.

"Sometimes, when Texas was a moving mass of fugitives, they have been without a local habitation and scattered to the cardinal points; again they have been on Galveston Island, without a shelter, and almost without subsistence, and never have they been in circumstances of comfort and convenience suitable to the orderly conducting of the grave and momentous business committed to their charge. That errors should have been committed under such circumstances will not surprise those who have had an honest consciousness of their own fallibilities. But that those extraordinary powers have not been perverted to any sinister purpose, to the damage of the country, to personal aggrandisement, or to the creation or advancement of a party, or to the success of a speculation, I assert with a modest but firm and assured confidence."

First, and most pressing, of the problems with which Congress must deal was the organization of a system of finance. The debt incurred during the revolution was more than a million and a quarter dollars, and the danger of renewed invasion by Mexico entailed a continuance of heavy expense in the army. As a Mexican province Texas had had no system of taxation, and Congress must attack the subject *de novo*. Burnet recommended a tariff as the most ready means of revenue. For the army he recommended a continuance of

the land bounty law which had expired in July, 1836, and the discouragement of short terms of enlistment. The navy was inadequate and an additional large vessel was needed. The judicial system should be organized, a postal system established, and some internal improvements begun—such as the bridging of small streams and the establishment of ferries on the larger ones. On October 22nd, President Burnet resigned his office and General Houston was inaugurated.

The most important laws passed by this Congress were those dealing with the subjects suggested in Burnet's message. To meet financial needs a loan was authorized for five million dollars, to be secured by the public lands and a pledge of the public faith. This was passed November 18, 1836. On December 20, 1836, a tariff act was passed; on July 7, 1837, an issue of ten per cent interest bearing refunding stock was authorized, which was to be exchanged for certificates of government indebtedness, and on June 17, 1837, a direct property tax of one-half of one per cent *ad valorem* was authorized. At the same time a system of occupation taxes was inaugurated. The post office department and the judiciary were established; and on December 19, 1836, an important act was passed fixing the boundary of Texas at the Rio Grande from its mouth to its source, and thence northward to the forty-second parallel of latitude. A law establishing a general land office was vetoed by President Houston, but was passed by a constitutional majority, and ultimately became effective.

Houston's inaugural message was purely formal. His message of May 5, 1836, to the second session of the first Congress was of greater interest. The United States had recognized the independence of Texas on March 3, 1837, and in referring to this the President said: "We now occupy the proud attitude of a sovereign and independent Republic; which will impose upon us the obligation of evincing to the world, that we are worthy to be free. This will only be accomplished by wise legislation, the maintenance of our integrity, and the faithful and just redemption of our plighted faith wherever it has been pledged. Nothing can be better calculated to advance our interests and character, than the establishment of a liberal and distinterested policy, enlightened by patriotism, and guided by wisdom."

Concerning the finances there was nothing encouraging to report. Agents appointed to sell land scrip in the United States had failed to report; and commissioners appointed to negotiate the five million dollar loan had found financial conditions so unsteady in the United States that they had been unable to place any portion of the loan. Congress should devise a land system that would guard the interest of the government and prevent fraud, and at the same time protect the rights of *bona fide* claimants against conflicting titles. As to the form of this law the president made no suggestions.

The army was in an excellent state of discipline. It had been reduced to about a thousnad men, and the annual expense now entailed

by it would fall below two hundred and thirty thousand dollars. The navy was too small, and the commerce of the country had suffered some damage from Mexican vessels in the Gulf. Steps were being taken, however, to mend this deficiency.

In connection with the navy President Houston referred to the subject of the African slave trade: "It cannot be disbelieved," he said, "that thousands of Africans have lately been imported to the Island of Cuba, with a design to transfer a large portion of them into this republic. This unholy and cruel traffic has called down the reprobation of the humane and just of all civilized nations. Our abhorrence to it is clearly expressed in our constitution and laws. Nor has it rested alone upon the declaration of our policy, but has long since been a subject of representation to the government of the United States, our ministers apprising it of every fact which would enable it to devise such means as would prevent either the landing or introduction of Africans into our country.

"The naval force of Texas not being in a situation to be diverted from our immediate defence, will be a sufficient reason why the governments of the United States and England should employ such a portion of their force in the Gulf as will at once arrest the accursed trade and redeem this republic from the suspicion of connivance which would be as detrimental to its character as the practice is repugnant to the feelings of its citizens. Should the traffic continue the odium cannot rest upon us, but will remain a blot upon the escutcheon of nations who have power, and withhold their hand from the work of humanity."

Toward the Indians the President declared it to be the policy of the government "to pursue a just and liberal course . . . and to prevent all encroachments upon their rights." In his second annual message of November 21, 1837, he went into this subject more fully. It had been the policy of the administration, he said, to seek every possible means to establish relations with the Indians upon a basis of lasting peace and friendship. "At this time I deem the indications more favorable than they have been since Texas assumed her present attitude. . . . The undeviating opinion of the Executive has been, that from the establishment of trading houses on the frontier (under prudent regulations), and the appointment of capable and honest agents, the happiest results might be anticipated for the country. The intercourse between the citizens and Indians should be regulated by acts of Congress which experience will readily suggest." In neither of these messages did the President make important specific recommendations, and few measures of a general character were passed during the remainder of his term.

The constitution provided that the first President should serve two years and should be ineligible for immediate reelection. Houston's term expired, therefore, in December, 1838. To succeed him the Vice-

president, Mirabeau B. Lamar, was almost unanimously elected. Despite a policy of peace with Mexicans and Indians and careful economy in all departments of the government, the public debt had increased to nearly two million dollars during Houston's term. No progress had been made toward placing the five million dollar loan, and the government had begun the issue of paper money. The subject of the finances Houston recognized as the most serious problem confronting the government, but he indulged strong hope that the organization of the land office and the opening of the public lands would speedily yield "a boundless revenue."

President Lamar's inaugural address was modeled to some extent on that of Thomas Jefferson when he assumed the presidency of the United States in 1801. It would be his policy to foster "agriculture, commerce, and the useful arts as the true basis of national strength and glory"; and at the same time to lay the foundation of those higher institutions for moral and mental culture, without which no government, on democratic principles, can prosper, nor the people long preserve their liberties." In foreign policy we should "deal justly with all nations, aggressively to none"; and we should "court free and unrestricted commerce wherever it may be the interest of our people to carry the national flag." He was less wedded to the ways of peace, however, than Jefferson had been; and while declaring that he preferred peace, he was "not averse from war." "I shall be ever ready to adjust all differences with our enemies by friendly discussion and arrangement, and at the same time equally prompt to adopt either offensive or defensive operations as their disposition and our own safety may render necessary." He was opposed to the annexation of Texas to the United States, and the address pictured eloquently and at length the advantages of independence.

The annual message of December 20, 1838, fills nearly thirty closely printed pages. It began with a brief discussion of foreign relations: the United States had recognized the independence of Texas and the relations between the two countries was most cordial. To England and France, too, the independence of Texas could not be a matter of indifference, and recognition from them was soon to be expected. "With Mexico," Lamar said, "our posture is unchanged; she seems still to cherish the illusive hope of conquest, without adopting any means for its realization. A final abandonment of such hopes, or a more vigorous prosecution of the measures which would at once determine their worth, would be more consistent with true glory and wisdom than this attitude of supine and sullen hostility. While we would meet with alacrity the first indication of a desire for a just and honorable peace, we should compel a more active prosecution of the war. If peace can only be obtained by the sword, let the sword do its work." This suggests a more aggressive policy than President Houston had favored.

Toward the Indians, too, Lamar was less patient than Houston had been, which may be partly explained, perhaps, by the fact that he entered political life as the private secretary of Governor George M. Troup of Georgia. "As long as we continue to exhibit our mercy without showing our strength," he said, "so long will the Indians continue to bloody the tomahawk and move onward in the work of rapacity and slaughter." The Indians who emigrated from the United States —such as the Cherokees and their allies—had never acquired from Mexico any title to the lands that they occupied, and the treaty which, by the authority of the Consultation and the provisional government, was negotiated with these Indians in February, 1836, had never been ratified by any competent Texan authority. This fact absolved Texas of any legal responsibility in the matter and the conduct of the Indians had left it under no moral obligation toward them. "I would respectfully offer the following suggestions: That there be established, as early as practicable, a line of military posts, competent to the protection of our frontier from the incursions of the wandering tribes that infest our borders; and that all intercourse between them and our citizens be made under the eye, and subject to the control of the government. In order to allay the apprehensions of the friendly tribes, and prevent any collision between them and our citizens, I would recommend that each Indian family be permitted to enjoy such improvements as they occupy, together with a suitable portion of land, without interruption or annoyance, so long as they choose to remain upon it, and shall deport themselves in a friendly manner, being subordinate to our laws in all criminal matters, and in matters of contract, to the authorized agents of the government."

To this end, the appointment of suitable agents, to reside among the located tribes would be necessary; whose duty it should be to keep up a vigilant espionage, cultivate friendly relations, and, as far as practicable, prevent all causes of disturbance and collision between the Indians and our own people. Commissioners might be appointed to make treaties to this effect with such tribes as were disposed to peace and friendship, while those who rejected the terms should be viewed as enemies, and treated accordingly.

"These gratuitous and liberal concessions, on our part, are perhaps due to the regard which we all entertain for peace. If, unhappily, they should be found inadequate to secure that desirable object, and the Indians shall persist in their extravagant demands, and resolve upon war, then let them feel that there are terrors also in the enmity of the white man, and that the blood of our wives and children cannot be shed without a righteous retribution." For this reason the President was moved to recommend the strengthening of the army and navy, while at the same time organizing the militia.

There had not been time since his inauguration, Lamar said, for the President to inquire into fiscal affairs. The success of the loan,

however, he considered very problematical; and for that reason he was unable to recommend a reduction of taxes or of the tariff. He thought that the development of agriculture, commerce, and the mineral resources of the country would soon put the government in easy condition, and recommended the passage of a law reserving mineral rights to the state.

In the meantime, Lamar recommended the establishment of a national bank, owned and controlled by the Republic. Such a bank, based on a hypothecation of the national lands, the plighted faith of the government, and an adequate specie deposit, would be safe, he believed, and would inspire confidence. The specie deposit would not need to be so large as in a privately owned bank, but unfortunately, as Gouge remarked in his *Fiscal History of Texas,* Lamar did not indicate where any specie was to come from. Few banks in the United States were making specie payments at the time, and coin was very rare in Texas.

This message has become justly famous for its strong advocacy of public education: "If we desire to etablish a Republican Government upon a broad and permanent basis," said Lamar, "it will become our duty to adopt a comprehensive and well regulated system of mental and moral culture. Education is a subject in which every citizen and especially every parent feels a deep and lively concern. It is one in which no jarring interests are involved, and no acrimonious political feelings excited; for its benefits are so universal that all parties can cordially unite in advancing it. It is admitted by all, that cultivated mind is the guardian genius of democracy, and while guided and controlled by virtue is the noblest attribute of man. It is the only dictator that freemen desire. . . . Let me, therefore, urge it upon you, gentlemen, not to postpone the matter too long. The present is a propitious moment to lay the foundation of a great moral and intellectual edifice, which will in after ages be hailed as the chief ornament and blessing of Texas. A suitable appropriation of lands to the purpose of general education, can be made at this time without inconvenience to the Government or the people; but defer it until the public domain shall have passed from our hands, and the uneducated youths of Texas will constitute the living monuments of our neglect and remissness. To commence a liberal system of education a few years hence may be attended with many difficulties. The imposition of taxes will be necessary. Sectional jealousies will spring up; and the whole plan may be defeated in the conflict of selfishness; or be suffered to languish under a feeble and inefficient support; a liberal endowment which will be adequate to the diffusion of a good rudimental education in every district of the Republic, and to the establishment of a university where the highest branches of science may be taught, can now be effected without the expenditure of a single dollar. Postpone it a few years, and millions will be necessary to accomplish the great design."

President Lamar's Indian policy was well received by Congress. On the day he delivered the message it passed a bill authorizing the organization of a regiment of 840 men for the protection of the frontiers, and appropriated $300,000 in promissory notes to pay the troops. On December 29th Congress empowered the President to accept the service of eight companies of mounted volunteers, for use chiefly against the Comanches, and appropriated $75,000 to that end. On January 23, 1839, Congress approved three additional companies; and on January 24th appropriated a million dollars for protection of the northern and western frontiers.

During 1839 evidence fell into the hands of the government that the Mexicans were endeavoring to incite the Indians to war—particularly the Cherokee Indians. The growth of population and the rapid extension of the frontier into the Indian settlements caused constant broils and kept the Indians in an ugly mood. In 1839 the Cherokees, after fierce resistance, were driven from their settlement in East Texas, and the next year the Comanches were greatly weakened in three notable engagements. The first of these was the Council House Fight at San Antonio in March, in which the Indians lost a number of their chiefs. In August, General Felix Huston defeated a large force at Plum Creek, near Gonzales; and in October, Colonel John H. Moore led an expedition that destroyed the chief Comanche village on the upper Colorado and killed more than a hundred warriors. By the close of Lamar's term the Indians were undoubtedly in a more submissive mood than they had previously been in since the declaration of independence, and it seems likely that his aggressive methods must be credited with some share of the success that followed Houston's gentler policy between 1842 and 1845. Houston found them at the beginning of his second term willing for a time to embrace the comforts of peace.

Lamar's educational views, too, met the approval of Congress, and modest provision was made for the endowment of schools and colleges. January 26, 1839, a law provided that three leagues of land should be surveyed in each county and devoted to the establishment of primary schools or academies. If there was not enough good vacant land in a county for this purpose, the survey was to be made from public land elsewhere. The President was to have surveyed, also, fifty leagues of land "for the establishment and endowment of two colleges or universities hereafter to be created." The following year, February 5, 1840—an additional league was appropriated for the schools of each county, and at the same time provision was made for certificating teachers. No teacher was to be given a certificate who was not capable of teaching reading, writing, English grammar, arithmetic, and geography.

Other important legislation of Lamar's administration was the first "homestead law," approved January 26, 1839; a law granting 640 acre headrights to immigrant families who arrived in Texas before

1840; a law for the permanent location of the capital; and various acts for the increase of the revenues.

The homestead law "reserved to every citizen or head of a family in this Republic, free and independent of the power of a writ of *fieri facias* or other execution issuing from any court of competent jurisdiction whatever, fifty acres of land or one town lot, including his or her homestead and improvements not exceeding five hundred dollars in value, all household and kitchen furniture (provided it does not exceed in value two hundred dollars), all implements of husbandry (provided they shall not exceed fifty dollars in value), all tools, apparatus, and books belonging to the trade or profession of any citizen, five milch cows, one yoke of work oxen, or one horse, twenty hogs, and one year's provisions." "This," says the late Judge C. W. Raines, "appears to be the first homestead act ever passed in any country. The spirit of the age was in revolt against the harshness of the common law as to insolvent debtors; and its first effect was the abolition of imprisonment for debt. And the early repeal of the vindictive legislation authorizing such imprisonment is the proud boast of many States in the American Union. The Republic of Texas makes the prouder boast, that her first constitution expressly rejected this relic of barbarism."

On January 14, 1839, Lamar signed an act creating a commission of five to select a site for the permanent location of the government. As chosen by Congress, the commissioners were A. C. Horton of Matagorda, J. W. Burton of Nacogdoches, William Menifee of Colorado, Isaac Campbell of San Augustine, and Louis P. Cooke of Brazoria. The only restriction upon their freedom was that the site must be between the Brazos and Colorado Rivers and west of the San Antonio Road—in other words, it must be on the extreme western edge of settlement. The act provided that the capital should be named Austin. On April 13th the commissioners reported that they had selected the village of Waterloo on the east bank of the Colorado as the most available location. The President had already appointed Edwin Waller to supervise the survey of town lots and the erection of public buildings; and so well did he discharge these duties that the government was transferred to the new capital in October of 1839. At the time there was a good deal of opposition on the part of jealous towns and localities to the establishment of the capital in the western wilderness, but it proved an excellent choice, and undoubtedly hastened the extension of the western and northwestern frontier and furthered the development of the country.

Lamar's was an extremely busy administration. The country was actually developing very rapidly. The Indian wars and a more active policy toward Mexico than Houston had found it necessary to pursue were costly. The country had been compelled to resort to the issue of paper money before Lamar came in, and this was already beginning

to depreciate. The five-million-dollar loan authorized by the first Congress could be negotiated neither in the United States nor in Europe. Tax laws and tariff laws occupied much of the attention of every Congress, but since taxes and tariff duties were payable in the paper of the government they yielded nothing in real money. As paper issues increased depreciation continued, and at the close of Lamar's term in December, 1841, the debt had grown to more than seven million dollars, and the value of government paper had declined to from fifteen to twenty cents on the dollar.

Lamar has generally been condemned for his extravagance, and certainly some of his policies—notably the Santa Fé expedition, to be described in the next chapter—were lacking in judgment; but it is difficult to avoid the conclusion that much of his so-called extravagance was justified in the end by its results. In considering the five-million-dollar addition to the public debt during the three years of his term it must be remembered that the value received by the government from its depreciated paper receipts was hardly more than a third of that amount.

For some months during 1840 and 1841 President Lamar was on a leave of absence for medical treatment in the United States, and the duties of the office were discharged by the Vice-President, David G. Burnet.

Burnet and Houston were candidates for the presidency in 1841, and Houston was elected. His message of December 30, 1841, announced that his policy would be a continuation of that developed during his first term, and almost the opposite of that followed by Lamar. One-fourth of the money consumed by the wars would have been sufficient, he thought, to make our borders safe, if it had been employed in cultivating friendly relations with the Indians. He advised the conclusion of treaties with as many of the tribes as possible, and the establishment of a line of trading posts from the frontier to Red River, with one or more traders at each and with twenty-five or thirty men to protect them. "I do not doubt," he said, "that this system, once established, would conciliate the Indians, open a lucrative commerce with them, and bring continued peace to our entire frontier. Their intercourse with us would enable them to obtain articles of convenience and comfort which they could not otherwise procure, unless by a very indirect trade with more remote tribes who have commerce with traders of the United States. Finding a disposition on our own part to treat them fairly and justly, and dreading a loss of the advantages and facilities of trade, they would be powerfully affected, both by feelings of confidence and motives of interest, to preserve peace and maintain good faith."

Mexico had rejected the overtures of Texas for recognition, and Houston was of the opinion that no further advances should be made to the Mexican government. But there was not the slightest

danger of conquest from that quarter, and he recommended the cultivation of commercial relations with Mexicans on the border.

On the subject of the finances the message spoke plainly. "There is not a dollar in the treasury; the nation is involved from ten to fifteen millions. The precise amount of its liabilities has not been ascertained. . . . We are not only without money, but without credit, and, for want of punctuality, without character. At our first commencement we were not without credit, nor had a want of punctuality then impaired our character abroad or confidence at home. Patriotism, industry, and enterprise are now our only resources, apart from our public domain and the precarious revenues of the country. These remain our only hope, and must be improved, husbanded, and properly employed."

To meet the financial situation President Houston advised the passage of stay-laws postponing the redemption of outstanding debts "to a period sufficiently remote to enable the government to redeem, in good faith, such as it ought to redeem." To attempt to tax the present population for the liquidation of the debt would be ruinous. For the future maintenance of the government he recommended the issue of $350,000 in exchequer bills, secured by a specific appropriation of a million acres of land in the Cherokee district; and a loan of $300,000 secured by specific assignments of the public land, which the bondholders were to acquire upon the failure of the government to meet the stipulations of its contract. The direct property tax should be reduced one-half, the remainder and all other public dues to be receivable only in gold and silver, "or equivalent currency." The exchequer bills were to be accepted as "equivalent currency."

The situation was all but desperate, and Congress was in the mood for economy. It abolished a number of offices and reduced the salaries of others, but did not follow exactly the President's recommendations. Instead of reducing taxes one-half, Houston complained that it almost abolished them; and postponed payment for six months of those that it continued; it refused to authorize the new loan and repealed the five-million dollar act passed by the first Congress; and though it authorized the issue of exchequer bills, it failed to secure them by specific allotments of public land, and they rapidly depreciated, as other paper had done. The subject remained a troublesome one throughout the remainder of the life of the Republic, and at the close of 1845 the public debt was estimated at nearly twelve million dollars.

Houston complained of the inefficiency and expense of the post office department. Both of these he attributed in some degree to the location of the capital on the edge of the western wilderness. In the spring of 1842, therefore, when the Mexicans made a foray and held San Antonio for a few days, he decided that the seat of government was too exposed, and, acting in accordance with his constitutional

right, transferred it to Houston. An attempt to move the archives, however, was violently and successfully resisted by the citizens of Austin. Congress met at Houston in the summer of 1842, but thereafter the government was removed to Washington on the Brazos, where it remained during the rest of Houston's term. This defense of the archives by the people of Austin has been dubbed the "Archive War."

In December, 1844, Houston was succeeded by Anson Jones, who had been serving as secretary of state. Annexation was the all-absorbing issue at the time, and during the following year the domestic affairs of the Republic were of small importance.

During Houston's second term the active career of the Texas navy came to an end. During the revolution four vessels were purchased and put in commission—the *Invincible,* the *Brutus,* the *Liberty,* and the *Independence.* They rendered a valuable service in protecting the coast and in annoying the enemy on his own shores, but various casualties overtook them and by the fall of 1837 all were gone. The *Invincible* ran aground at Galveston in trying to escape the Mexicans and was destroyed, the *Independence* was captured, the *Liberty* was sold for debt at New Orleans, and the *Brutus* was destroyed in Galveston harbor by a storm.

President Houston's message of May 5, 1837, reminded Congress that the commerce of Texas had suffered for want of an adequate navy. One of the first acts of the second Congress, which met at Houston in November, 1837, was for the purchase of "a five hundred ton ship mounting eighteen guns, two three hundred ton brigs of twelve guns each, and three schooners of one hundred and thirty tons, mounting five or seven guns each." For this purpose $280,000 was appropriated. The President appointed Samuel M. Williams of the firm of McKinney and Williams at Quintana to place the contract. In November, 1838, Williams closed a contract with Frederick Dawson of Baltimore for six vessels conforming to the above description, and during the summer and fall of 1839 they were delivered. As rechristened by the Texans, they were the *Austin,* the *Wharton,* the *Archer,* the *San Bernard,* the *San Jacinto,* and the *San Antonio.* In addition to these, General James Hamilton had purchased for the government the *Zavala.*

As the French fleet had in the meantime destroyed the Mexican navy, the Texans vessels were for the moment not needed for defense, and Congress passed an act in February, 1840, requiring the President to retire from the service temporarily all except those needed as revenue cutters. The act provided, however, that "should Mexico make any hostile demonstration upon the Gulf, the President may order any number of vessels into active service that he may deem necessary for the public security."

Lamar received information that Mexico was trying to obtain

vessels in England for an attack on Texas, and therefore exercised the discretion which the law allowed him to keep the Texan fleet in service. Five of the vessels, commanded by Commodore E. W. Moore, he sent on a cruise to Yucatan, which was in rebellion against Mexico, and the following year (1841) a temporary alliance was made with Yucatan by which that state agreed to pay Texas $8,000 for putting to sea three of its vessels and $8,000 for every month of their active service against the common enemy.

By the spring of 1842 the fleet was back in New Orleans undergoing repairs preparatory to enforcing Houston's blockade of Mexican ports. Before the vessels were ready for sea, however, the blockade was withdrawn.

In January, 1843, Congress passed a secret act ordering the sale of the navy, but the commissioners sent by the President to New Orleans to carry out the sale were persuaded by Commodore Moore to sail with him to Yucatan, the government of which had agreed to pay liberally for the assistance. His chief motive seems to have been to obtain money with which to pay debts in New Orleans incurred in fitting out the vessels, and for which he felt a personal responsibility. A violent quarrel arose between Moore and the President, who finally issued a proclamation, declaring that Moore was guilty of "disobedience, contumacy, and mutiny." The quarrel had the effect of making public the law for the sale of the navy, and this aroused such strong popular opposition that the act was repealed February 5, 1844. When Texas was annexed to the United States its remaining vessels, four in number, were incorporated in the United States navy.

In contrast with the government, the people of Texas were coming to be fairly prosperous during the closing years of the republic. Immigration had been rapid since the battle of San Jacinto, and by 1846, there were probably a hundred thousand white inhabitants. Most of them came from the United States, where the panic of 1837 and subsequent years of depression turned the attention of many to the free lands of Texas as a field in which to rebuild their broken fortunes. Next in number to the Americans were the German immigrants, with here and there an occasional Englishman or Frenchman. A revival of the empresario system had been instrumental in hastening the settlement of the western and northwestern frontier. Crops were good and commerce was increasing, and indications were not lacking that in 1845 the hardest days of the Republic were over.

CHAPTER XXVIII

A SURVEY OF THE FOREIGN AFFAIRS OF THE REPUBLIC

By Eugene C. Barker

[This selection is a survey of the international relations of the Republic of Texas. It is from the same source as the preceding chapter, and like that chapter can be supplemented by an abundance of material. Read: Garrison, *Texas,* Chapter XX; Barker, Potts, and Ramsdell, *A School History of Texas,* 169–187; George Lockhart Rives, *The United States and Mexico, 1821–1848,* I, Chapter XIX; J. L. Worley, "The Diplomatic Relations of England and the Republic of Texas," in the *Quarterly* of the Texas State Historical Association, IX, 1–40; Ethel Zivley Rather, "Recognition of the Republic of Texas by the United States," in the same *Quarterly,* XIII, 155–256; H. R. Edwards, "Diplomatic Relations between France and the Republic of Texas," in *The Southwestern Historical Quarterly,* XX, 209–241, 341–356. Two important collections of source material on the international relations of the Republic of Texas are: G. P. Garrison (ed.), *Diplomatic Correspondence of the Republic of Texas* (three volumes) in *Report* of the American Historical Association, 1907, Volume II, and 1908, Volume II; E. D. Adams (ed.) "British Correspondence Concerning Texas," in *The Southwestern Historical Quarterly,* running serially through volumes XV–XXI. Garrison's *Diplomatic Correspondence* was published by the Government Printing Office and can be bought cheaply from the Superintendent of Documents, Washington, D. C.]

As a subject of international politics the Republic of Texas occupied no small place in the diplomacy of three of the principal powers of the world—the United States, England, and France, not to mention Mexico. This was largely due to the refusal of Mexico to recognize Texan independence. On May 20, 1836, as has already been said, the Mexican Congress passed a resolution declaring that Santa Anna had no power to bind the nation in the Treaty of Velasco, and notifying the world that Mexico would recognize no action taken by him while a prisoner. At the same time it was announced that the government was determined to reduce the rebellious Texans and was preparing an expedition for that purpose.

In fact, the government exerted itself strenuously to prevent the evacuation of Texas by General Filisola, who succeeded to the command of the Mexican army after the capture of Santa Anna. He was instructed at all costs to retain San Antonio, and was told that a division of 4,000 men was being prepared to reinforce him. Filisola was already on the retreat to Matamoros when this dispatch

reached him, and he continued his retreat. The next communication from the government relieved him of the command and appointed General Urrea to the place, but Urrea was now in Matamoros, whither he had preceded Filisola, and Filisola surrendered the command to General Andrade. Despite orders from Urrea to halt, Andrade continued the march to Matamoros, and before the end of July every Mexican soldier had crossed the Rio Grande.

Mexico continued to threaten invasion, and the Texans expected an expedition during the fall of 1836. On June 25, 1836, Colonel Powhatan Ellis, *chargé d'affaires* of the United States in Mexico, wrote his government that Mexico seemed determined to push the war, and that men were being impressed daily in the streets of the capital to swell the army of invasion.

More important, from the point of view of the United States, was the rumor which Ellis had heard on good authority that Mexico had appealed to England for assistance in reducing Texas. On August 3 Ellis wrote more definitely on this subject. He said that the Mexican minister at London had been instructed to appeal to England for aid in restricting the spread of slavery; and then, if these overtures were cordially received, to ask help directly in putting down the revolted colonists in Texas who were disobeying the Mexican laws and introducing slaves.

On October 26 Ellis wrote that the troops that had been collecting in the capital had taken up the march for Texas the week before under the command of General Nicolas Bravo. They were all raw levies, he said, and probably did not exceed 4,000. Bravo seemed confident of success, and declared that the force would be increased to 12,800 men before it reached Texas. But, said Ellis, "However confident the officers may be of their success in the ensueing campaign, there is no doubt that a panic already prevails among the soldiers."

Long before these troops reached Texas party conflicts between the Centralists and the Federalists made it necessary for the Mexican government to turn them aside for service nearer home, and the danger to Texas passed. Though Mexican vessels were able for a time, on account of the weakness of the Texan navy, to annoy the Gulf trade, President Houston was wise enough to perceive that Mexico was practically helpless, and to adopt the policy of ignoring it as a source of real danger.

In the fall of 1838 the attention of Mexico was still further diverted from Texas by trouble with France. On November 27 a French squadron blockaded Vera Cruz, and a state of war practically existed until the following spring. Notwithstanding President Lamar's defiant inaugural address, he was anxious enough for peace with Mexico, and seeing in the French embroglio a favorable occasion for overtures, he appointed Barnard E. Bee to open negotiations.

Bee was courteously received at Vera Cruz by General Victoria,

who had been instructed by the Mexican government to treat him as a private individual and to get from him in writing a statement of his objects. If he came as a commissioner from Mexico's rebellious colonists, the government might consider his proposals; but if he came to treat for recognition, the government would ignore him, and Victoria should request him to depart. Bee accomplished nothing, and sailed from Vera Cruz on June 1 in a French vessel bound for Havana. He was encouraged by his experience, however, and thought the day not distant "when a definite treaty boundary will be established between Mexico and Texas, consecrated as it must be by a lasting peace." As for an invasion of Texas, Bee thought it was preposterous: "They have no navy; they have not a dollar in the treasury; they have not paid their officers or men for years; they owe Great Britain sixty millions of dollars; they are paying France 200,000 dollars every two months. Where then are they to get money to annihilate Texas? Sir, the question is settled."

Following Bee's withdrawal from Vera Cruz, the Texan government became convinced that the government really desired peace.

This conviction was induced by representations which James Treat of New York made to General James Hamilton, who was representing Texas as a commissioner in placing the five million dollar loan. Treat said that he had received information through a friend in Mexico, an Italian gentleman, named Vitalba. This friend later came to New Orleans and had a conference with Treat and Bee, who had now reached that place on his return from Vera Cruz. From New Orleans Treat went to Texas and was commissioned to proceed to Mexico and negotiate for peace on the basis of recognition. Recognition being granted, the only question remaining would be that of boundary. Texas would insist on the statutory boundary of December 19, 1836, following the Rio Grande from its mouth to its source and extending thence northward to the forty-second parallel. For this line Texas was willing to pay Mexico five million dollars, which Treat could disburse as seemed desirable, using as much as might be necessary in "secret service" work. At the same time Mexico might be sounded on a boundary which would follow the Rio Grande up to El Paso, and thence proceed due westward to the Gulf of California and the Pacific Ocean. After the settlement of these two questions the agent might take up the negotiation of a treaty of amity and commerce.

Treat first returned to New York, and thence made his way to Mexico. He arrived at Vera Cruz November 28, 1839, and reached the capital two weeks later. Through the British chargé, Sir Richard Pakenham, he established unofficial communication with the government and placed his proposal before it. For a time he believed that the prospect of success was good; but after a year of alternating hope and discouragement he abandoned his vain task and embarked

for Galveston. He died on November 30, 1840, before reaching his destination.

Two weeks before Treat's death the British government signed a convention with the Texan minister at London agreeing to offer mediation in Mexico for the recognition of Texas. Hoping that this might induce a more conciliatory mood in the Mexican government, Lamar commissioned James Webb to proceed to Vera Cruz with full powers to negotiate a treaty. At Vera Cruz, however, Webb was not allowed to land, and communication with Pakenham at Mexico revealed the fact that the government had rejected the British offer of mediation.

In the meantime, the Federalists in northern Mexico had been making overtures to Texas. First they desired to transport arms through the republic, and later they proposed an alliance. They planned to detach the northern states from Mexico, and went so far as to declare the independence of the Republic of the Rio Grande in January, 1840. The Texan government declined to have anything to do with this movement, but a considerable force of Texan volunteers joined the Federalists and participated in several rather serious battles.

Lamar's administration saw the only attempt that the Texans ever made to realize the boundary fixed by the law of December 19, 1836. The chief city in New Mexico was Santa Fé, on the east side of the Rio Grande, and therefore within the limits claimed by Texas. Between Santa Fé and St. Louis, Missouri, a valuable trade had long existed, and the strongest motive influencing Lamar seems to have been the desire to turn the profits of this trade to Texas. On April 14, 1840, he wrote a letter to "the citizens of Santa Fé," reminding them that Texas had "entered the great family of nations" and been recognized by the United States and France, while other powers of Europe were ready to extend the right hand of fellowship. The population was rapidly increasing by immigration from Europe and the United States; "and our commerce extending with a power and celerity seldom equaled in the history of nations. Under these auspicious circumstances, we tender to you a full participation in our blessings." He hoped that this communication would be received in the same spirit of kindness and sincerity in which it was dictated and expressed the hope that he should be able to send commissioners to the people of Santa Fé in September "to explain more minutely the condition of our country, of the sea-board, and the correlative interests, which so emphatically recommend, and ought perpetually to cement, the perfect union and identity of Santa Fé and Texas."

No reply to this communication was received, nor were commissioners sent in 1840. The suggestion aroused some interest in Texas, however, and the secretary of war recommended the construction of a military road to Santa Fé. Congress refused to make appropriation for a commission, but in the spring of 1841 President Lamar deter-

mined, nevertheless, that one should be sent, and on his own authority ordered the treasurer and comptroller to honor drafts presented for outfitting the expedition.

As finally organized the Santa Fé expedition consisted of three commissioners—William G. Cooke, R. F. Brenham, and J. A. Navarro —fifty merchants, and a military escort for protection from the Indians of two hundred and seventy men commanded by General Hugh McLeod. The whole party organized near Austin and set out toward the end of June. The commissioners bore an eloquent address from Lamar to the "Inhabitants of Santa Fé and other portions of Mexico East of the Rio Grande" inviting them to cover themselves with the protection of the Texan flag. The commissioners were instructed to try to secure the adhesion of the people to Texas, but not to use force; and if the Texan proffer were declined, to devote their efforts to establishing a commercial convention. The expedition reached New Mexico in the last stages of exhaustion from starvation and thirst and surrendered to Governor Armijo, who refused to believe that the Texans came on an innocent mission.

The prisoners were marched to Mexico and sent thence to various prisons. Those who were citizens of the United States or of European countries were soon released through the efforts of their governments; and Daniel Webster as secretary of State of the United States interceded with the Mexican government for the humane treatment of the Texans. On June 13, 1842, Santa Anna celebrated his birthday by releasing the remaining prisoners, except Navarro, who did not make his escape until 1845.

In the meantime Mexico had again taken the aggressive and had made a brief invasion of Texas. On January 9, 1842, General Mariano Arista issued from Monterey an address to the inhabitants of the "Department of Texas" pointing out the hopelessness of their struggle for independence and promising amnesty and protection to all who refrained from taking up arms during his contemplated invasion. At the same time he warned them that while his country held out "the olive branch of peace and concord" with one hand, she would direct with the other "the sword of justice against the obstinate." Early in March Goliad, Refugio, San Antonio, and Victoria were occupied for a few days by Mexican forces. The Texans were entirely unprepared, and at first great alarm was felt. General Albert Sidney Johnston wrote General Hamilton on March 11, "the war, after great preparation on the part of the enemy, is upon us without the slightest effort having been made by us. Our people are however turning out well and hastening westward, for the purpose of concentrating to meet the enemy, and notwithstanding every advantage has been given, we rely upon the energy and courage of our people to achieve most brilliant results."

On the 10th President Houston issued a proclamation ordering

the militia to be ready for a call, and the next day he wrote the Texan consul at New Orleans telling him the conditions upon which the government would receive *emigrants* from the United States: each should bring with him "a good rifle or musket, with a cartouch box, or shot pouch and powder horn, with at least one hundred rounds of ammunition, a good knapsack and six months' clothing, and enter service for six months subject to the laws of Texas. They must be landed for the present at some point west of the Brazos, with eight days' provision. No number less than fifty-six in companies well organized will be received, and on landing each commandant will report to the secretary of war for orders."

By March 15 the Texan forces began to collect at San Antonio, but the Mexicans had retired on the 9th, and were already thought to be west of the Rio Grande. Many of the volunteers were anxious to invade Mexico, and General Burleson, who was in command at San Antonio, thought the invasion practicable. President Houston, however, wisely forbade such a movement before July 20, which was the earliest date at which he thought the necessary preparations could be made.

Fearing that Austin would be attacked, the President had transferred the government to Houston, and thither he called a special session of Congress to meet on July 27. In his message he expressed the belief that Mexico could never reconquer Texas, but he was convinced that it would continue to harass the frontier, and he advised a counter-invasion to bring the enemy to their senses. "We could at least impress them with the calamities which have thus far been incident to us alone, and create in them a desire for that peace which would be mutually advantageous to both parties." As usual, however, Houston refrained from pushing his views strongly on Congress, merely urging that a decision be reached quickly, so that additional emigrant-volunteers could be prevented from coming to the country if they were not to be needed. Congress voted for a declaration of war, and appropriated ten million acres of land to meet the expense, but this Houston considered totally inadequate and vetoed the bill, thereby abandoning for his own part the plan of an aggressive campaign.

The Mexicans had retired without doing any considerable damage, and it seems that the chief purpose of the invasion was to counteract the argument of annexationists in the United States, who contended that since Mexico had never made an official entrance into Texas since 1836, no attention need be paid by the United States to its claims. In September, 1842, another expedition penetrated to San Antonio under the command of General Adrian Woll. This time some resistance was offered and the Mexicans lost a few men, before the Texans, fifty-three in number, surrendered. The district court was in session at the time, and Judge Hutchinson and other officials were among those

captured. As soon as the news spread Texan forces began to march to the relief of San Antonio, and a band of volunteers from Gonzales under Colonel Matthew Caldwell succeeded in decoying a portion of Woll's division into an ambush on the Salado and inflicting considerable loss upon it. At the same time, however, a company from La Grange and Fayette County, coming to the relief of Caldwell, was surrounded by the Mexicans and cut to pieces. Woll occupied San Antonio September 11-20, and then retired, being pursued for several days by Colonel Caldwell.

Again the militia was called out, and volunteers began to collect at San Antonio, eager for an invasion of Mexico. About the middle of November some 750 men commanded by General Alexander Somervell started for Laredo. They took Laredo on December 8, and part of the force then disbanded and returned home. The remainder continued the march down the Rio Grande, but on December 19 Somervell ordered them to retreat to Gonzales. Some three hundred of the men refused to obey his orders, elected Colonel W. S. Fisher to lead them, and marched to Mier, where they fought a desperate battle with General Ampudia on December 25-26. The odds were hopelessly against them, and on the 26th they surrendered.

General Thomas Jefferson Green in his *Journal of the Texian Expedition against Mier* says that the Texans were promised the treatment of prisoners of war, though the official capitulation says merely that the Texans will be treated "with the consideration which is in accordance with the magnanimous Mexican nation." Green tells us that there were 261 Texans engaged in the battle of Mier, nearly forty having been left in camp to guard the baggage. Ten were killed, and twenty-three badly wounded, while the loss of the Mexicans was thought to be more than 700. General Ampudia was ordered to send the prisoners to the capital. On the way they made a break for liberty, but were later recaptured in the mountains and a tenth of their number shot. The survivors were eventually imprisoned in Castle Perote.

While the Mier prisoners were marching toward the south another Texan expedition commanded by Colonel Jacob Snively was moving toward the northern boundary of Texas to capture a train of merchandise which it was known would be carried during the summer of 1843 from St. Louis to Santa Fé. The expedition had been authorized by the Texan government in February, but the force was composed of volunteers who went at their own expense and who expected to repay themselves by the spoils of the caravan. They encamped on the Arkansas River to await the train, but before it arrived the party divided and Snively was left with only a few more than a hundred men. When the caravan arrived it was guarded by United States soldiers, who disarmed all but ten of Snively's men and ordered them home. The Texan government claimed damages from the

United States for this act and was paid for the arms taken, but the expedition failed.

In the meantime President Houston had been trying to bring pressure on Mexico through the mediation of the strong foreign powers. The United States, as we have seen, recognized the independence of Texas in March, 1837, by accrediting to the Republic a chargé d'affaires. France recognized it by concluding a treaty of commerce and friendship on September 25, 1839, and the treaty was ratified on February 14, 1840. British recognition was obtained in a series of treaties concluded in November, 1840, but these were not ratified until June 28, 1842. One of these British treaties was an agreement on the part of England to urge upon Mexico the recognition of Texas, and Lord Aberdeen on July 1, 1842, instructed the British chargé at Mexico to make the necessary representation to the Mexican government. This was done, but the overture was rejected. Immediately following the ratification of the British treaties an effort was made to get France, England, and the United States to make a joint demand on Mexico for recognition, but England refused to become a party to this tripartite action. At the same time, however, Lord Aberdeen suggested that the three governments might make identical representations on the subject to the Mexican government. Appropriate instructions were accordingly issued to the diplomatic agents of England and France for making such a representation, but these agents, knowing the uselessness of such action did nothing.

On October 15, 1842, just after the retreat of General Woll from San Antonio President Houston again appealed to the powers to use their influence to compel Mexico either to recognize the independence of Texas "or to make war upon her according to the rules established and universally recognized by civilized nations. "It has now been nearly seven years," he said, "since the Declaration and the establishment of the Independence of this Republic. During the whole of this time, Mexico, although uniformly asserting the ability and determination to re-subjugate the country, has never made a formidable effort to do so. Her principal war has consisted of silly taunts and idle threats, of braggadocio bulletins and gasconading proclamations. All her boasted threats of invasion have resulted in nothing more than fitting out and sending into the most exposed portions of our territory petty marauding parties, for the purpose of pillaging and harassing the weak and isolated settlements on our western border." Mexico's object, he said, was merely to keep alive its claim to Texas and to retard the development of the country by threats that it had neither the intention nor the means to carry out.

Daniel Webster was secretary of state at this time in the United States, and on November 12, 1842, he instructed Waddy Thompson, the minister of the United States at Mexico, to urge recognition. The United States saw with pain the preparations for war, Webster

said, and while it disclaimed any right to interfere, it could not be indifferent to a renewal of hostilities. He urged Mexico to accept the mediation of his government, and at the same time asked Texas to suspend any invasion it might be contemplating until the result of this overture could be learned.

Nothing came of this proposal, but on January 9, 1843, James W. Robinson, who had been lieutenant-governor of Texas under the provisional government in 1835–1836, and then had been captured at San Antonio by General Woll in September, 1842, and was now in Perote, made a proposal to Santa Anna which led to negotiations. Robinson, who was anxious above all things to get out of prison, suggested that the people of Texas were tired of war and confusion and would be willing to be reunited with Mexico. He thought that if an armistice could be arranged, peace could probably be brought about by discussion. After a conference with him Santa Anna appointed Robinson a commissioner to go to Texas and open negotiation. Reunion with Mexico must be the *sine qua non* of any arrangement, but after acknowledging the sovereignty of Mexico, Texas might conduct its local affairs through its own officers pretty much as it pleased. Mexican troops would never be sent to the province.

President Houston had no intention of acknowledging the sovereignty of Mexico on any terms, but he was willing to play for time. A correspondence was continued through the British diplomatic agents at Mexico and at Houston, and it was finally agreed that commissioners should meet and arrange the terms of an armistice for the negotiation of a permanent settlement. Houston proclaimed a truce on June 15, 1843, and commissioners were appointed in the fall by both Texas and Mexico. They met at Salinas on the Rio Grande, and February 15, 1844, signed the armistice. Before following this phase of the subject further it will be necessary to return and trace briefly the movement for the annexation of Texas to the United States.

When Texas declared independence on March 2, 1836, the Texan commissioners, Austin, Archer, and William H. Wharton, were in the United States; and Austin was of the opinion that they could have obtained from Congress the recognition of the new republic, if the *ad interim* government had sent them an official report of the battle of San Jacinto. Austin may have been mistaken, but both houses of Congress certainly sympathized deeply with the Texans, and before adjournment the Senate committee on foreign relations reported that Texas ought to be recognized as soon as it had in operation a *de facto* government "capable of performing the duties and fulfilling the obligations of an independent power."

On May 30 President Burnet appointed James W. Collinsworth and P. W. Grayson to visit Washington and ask the mediation of the United States in securing from Mexico recognition of Texan independence. At the same time they were to sound the government on

the subject of annexing Texas to the United States. They reached Washington after the adjournment of Congress and had several conferences with Forsyth, President Jackson's secreatry of state, but received no satisfaction. In the fall of 1836 the Texans, as we have seen, voted (3277 to 91) in favor of annexation to the United States, and one of President Houston's first acts was to send William H. Wharton to Washington to further this measure.

It was apparent, however, that recognition of Texan independence must precede any negotiation for annexation and at first President Jackson showed himself unexpectedly cautious. He had sent Henry M. Morfit to Texas in the summer of 1836 to report on the ability of the new government to maintain itself. Morfit wrote ten letters from Texas filled with information that makes them a most valuable source for the history of this time. On the whole his opinion of Texas was very favorable, but Bravo's invasion was expected during the winter and he advised that the United States should withhold recognition until the result of the invasion was seen. President Jackson accepted the advice, and in a special message of December 21, 1836, recommended that Congress await the outcome of the contemplated Mexican expedition. He closed the message by saying, however, that if Congress held a different opinion, he would be glad to cooperate in extending recognition without further delay.

For reasons that we have already seen Bravo did not reach Texas during the winter, and thus strengthened the friends of Texas in Congress. On March 1, 1837, the Senate voted for recognition; and the House made appropriation to pay the salary of a diplomatic representative to Texas whenever the President thought it desirable to send one. Jackson considered this equivalent to recognition, and March 3, 1837, appointed Alceé La Branche of Louisiana chargé d'affaires to Texas.

This step opened the way for the advancement of the annexation question, and on August 4 Memucan Hunt, the Texan representative, formally offered Texas to the United States. He argued that the revolution had been justified by the treatment which Texas had received from Mexico and by the hopeless political anarchy that had existed in Mexico since 1821; that Texas was now independent and free to dispose of itself without hindrance from any power; and that annexation would be mutually beneficial to the United States and to Texas. President Van Buren was opposed to annexation, however, and flatly declined the Texan office. The question of slavery was becoming acute in the United States, and annexation was opposed by the anti-slavery party chiefly because it would extend slave territory. At the same time it was pretty evident that annexation would lead to war with Mexico. President Houston withdrew the offer of annexation in October, 1838, and there the matter rested for nearly five years.

During those five years the government of Texas became more

and more involved in debt, but the country itself developed rapidly and its commerce became an object of some consideration. When this fact was perceived in the United States the annexation question ceased to be a purely sectional issue, and it became possible to consider the subject to some extent on its merits. Aside from the awakened economic interest, a general uneasiness spread over the country lest England should gain ascendancy in Texas. England was known to desire a source of cotton supply outside the United States and to be interested in universal abolition of slavery. Texas offered a tempting field for British activity. Recent investigations have disclosed little evidence of a desire on the part of England to incorporate Texas in the British empire, but they have clearly proved its wish to establish a controlling influence in Texas and to prevent its annexation by the United States.

On October 16, 1843, President Tyler opened negotiations for the annexation of Texas by treaty. He was a slave owner, and was doubtless not averse to an extension of the slave territory of the United States, but he sincerely believed that Great Britain was on the point of gaining a foothold in Texas which would be harmful to the United States. He may also have been influenced to some extent by the ambition to have his administration identified with a great measure like annexation, but it is now in a fair way to be conceded by students that his idea was statesman-like and his motive patriotic.

The truce between Texas and Mexico had just been arranged, and President Houston was in a position to feign indifference, if he did not feel it. He would not entertain Tyler's proposal until he was assured of two things: (1) that the treaty would command the two-thirds majority necessary for its ratification in the Senate; and (2) that the United States would use its army and navy to protect Texas during the pendency of the negotiations, in case Mexico renewed its attempts at invasion. When he was satisfied on these points the treaty was signed at Washington, April 12, 1844. The Senate rejected it on June 8th.

The motives of the senators who voted against annexation varied, but most of them were moved by the desire to postpone the issue until after the presidential election, which would take place the following November. Tyler immediately submitted the question to the House and proposed annexation by joint resolution, which would require merely a simple majority vote, but Congress adjourned the middle of June without action.

As Houston had foreseen would be the case, Mexico broke off the armistice as soon as it learned of the negotiations between the United States and Texas. As a matter of fact there had never been a chance of reaching an adjustment, because Texas had no intention of accepting less than recognition on condition of its assuming a portion of the Mexican debt, and Mexico insisted on unconditional reunion.

On June 16th General Woll notified President Houston that Mexico had resumed hostilities on the 11th of that month. Houston thereupon called on the United States to fulfill its promise of protection, and on September 10th John C. Calhoun, who was now Tyler's secretary of state, notified Mexico that the President would regard the invasion of Texas as "highly offensive" to the United States. The Mexican minister of foreign relations replied that his country would not be intimidated by the President's threats to desist from the effort to regain what was its own, but the Mexican government soon found reason to change its policy in the hope that Texas might be induced thereby to suspend further annexation negotiations.

During the summer of 1844 annexation was the most prominent question before the people of the United States. All the presidential candidates were required to define their positions with regard to it. Van Buren, the leading Democratic candidate, declared against immediate annexation, and failed of nomination by the national convention, which chose James K. Polk, a "dark horse" from Tennessee who had frankly declared for immediate annexation. Henry Clay, the leading Whig candidate, was also opposed to immediate annexation, and this is believed to have been the chief reason for the victory of Polk and the Democrats in the November election. Undoubtedly the tariff and other questions played a part in Polk's election, but the country as a rule interpreted his victory as a demand for annexation.

Tyler did not wait for Polk's inauguration to carry out this important measure. He placed the subject before Congress in December, 1844, and a joint resolution was finally passed on February 28, 1845, defining the terms of annexation. Texas was to be admitted as a state and might, when qualified, be divided into as many as five states. Slavery was excluded from that portion of the territory claimed by Texas north of the parallel of 36° 30′ north latitude; and boundary disputes with Mexico were to be adjusted by the United States. Texas was to retain its public lands as a means of paying the debt of the Republic.

England and France, as well as Mexico, were greatly opposed to the annexation of Texas by the United States, and on January 12, 1844, before the treaty was negotiated, Lord Aberdeen instructed the British Minister at Paris to sound the French government and learn whether it would coöperate with England in "deprecating all interference on the part of the United States in the affairs of Texas, or the adoption of any measure leading to the destruction of the separate existence of that State; at the same time, warning the Texan government . . . to look to the preservation of their independence, as the best security for their ultimate prosperity, both political and commercial."

France was acquiescent, and on May 29th Aberdeen outlined to the Mexican minister at London a plan of operations which he pro-

posed to submit to France: (1) Mexico must recognize the independence of Texas, and thereby remove, so far as Texas was concerned, one of the principal motives for desiring annexation; (2) England would then oppose annexation, and it was believed that France would join England not only in guaranteeing the independence of Texas, but also the boundaries of Mexico. Aberdeen said: "provided that England and France were perfectly agreed, it would make little difference to England whether or not the American government consented to abandon the question; that if it were necessary, England would be willing to go to the last extremities in supporting its opposition to annexation."

There were two important provisions here: Mexico must recognize Texan independence, and France must act with England. Before the reply of either France or Mexico was obtained Aberdeen received a long and able letter from the British minister at Washington. In this Pakenham pointed out that although the Senate had rejected the treaty, the question was before the country as one of the principal issues in the presidential campaign. If Clay were elected by the Whigs, annexation would be postponed; but if the Democrats were victorious it would be pushed vigorously. The American public was already very uneasy concerning British designs in Texas, he said, and the surest way to effect the defeat of Clay, and thereby insure annexation would be for England to interfere. This argument convinced Aberdeen, and he let the French government know at once that England thought it best to defer action for the time.

On March 29, 1845, after the passage of the joint resolution, and when the agent of the United States was hourly expected at the Texan capital to offer annexation, Captain Charles Elliot, the British chargé, and Count de Saligny, the French representative in Texas, made a final effort to prevent annexation. They induced President Jones to agree not to accept annexation for ninety days, while Elliot should go to Mexico and attempt to obtain a recognition of the independence of Texas on condition that Texas should pledge itself to remain independent. Mexico finally accepted this proposal after considerable delay on May 19th.

In the meantime Major A. J. Donelson had submitted to the Texan government the proposal for annexation on the terms of the joint resolution. He had received his instructions from Calhoun on March 3rd, and had been urged to hasten the negotiation, lest England exert influence on Texas to reject the proposal. The next day Polk was inaugurated and James Buchanan became secretary of state. On March 10th he wrote Donelson to try to get Texas to accept the proposal without amendment, so as to avoid delay. If the convention objected to surrendering the tariff duties of the Republic without the assumption of the public debt by the United States, he might suggest a resolution offering the public lands for sale to the federal govern-

ment, and Buchanan expressed confidence that Congress would buy. But this should be presented as an independent proposal, and not as a condition of accepting annexation.

That Tyler and Polk were not over sanguine of the acceptance of the joint resolution by Texas is manifest from this anxiety, and from the arguments with which Donelson urged the proposal. In his letter to the Texan secretary of state, Ebenezer Allen, on March 31, 1845, Donelson said:

"The undersigned doubts not that there are objections to the terms proposed, which under ordinary circumstances ought to be obviated before a basis which admits them is adopted. But the circumstances are not ordinary, and the objections when weighed in the scale of importance with the magnitude of the interests involved in the success of the measure, become secondary in their character, and may be postponed until the natural course of events removes them. If annexation should now be lost, it may never be recovered. A patriotic and intelligent person, in the pursuit of a measure of general utility, if they commit a partial mistake, or inflict temporary injuries, were never known to fail in making the proper reparation. If they have in this instance made proposals of union to Texas on terms which deprive her of means that should be exclusively hers to enable her to pay the debt contracted in the war for her independence, it has been accidental; and no assurance from the undersigned can be needed to give value to the anticipation that such an error will be corrected whenever it is communicated to the Government of the United States.

"It is objected that Texas, in surrendering her revenue from customs, parts with the ability to put into efficient organization her state government. This objection must result from an undue examination of the expenditures which the United States, on the other hand, will make in the many improvements necessary on the sea-coast of Texas, to protect and facilitate her commerce, in the removal of obstructions in her numerous bays and rivers, and in the military organization necessary to guard her extensive frontier against the inroads of a foreign enemy. . . . When expenditures for these and many other internal objects are drawn from the treasury of the Union, and not from that of Texas, it will be seen that the remaining means for the support of the State Government will not only be as great as they now are, but rapidly increased by the influx of population and the growing capacity resulting from the super-abundance of their rich productions.

"So also, on the part of the United States, it was objected that the cession of the unappropriated lands ought to have been made by Texas for a fair consideration to enable the Federal Government to extend her Indian policy over the various tribes within her limits. The right to extinguish the Indian title to lands seems almost a necessary consequence of the obligation to regulate the trade and intercourse

with them, and to keep them at peace with each other and with us; and the absence of any provision to this effect in the terms proposed constituted a serious obstacle in the minds of many sincerely friendly to the measure. Yet so strong was the desire to put the question beyond the possibility of defeat and to leave with Texas the means of discharging her national debt, that they nevertheless recorded their votes in its favor.

"But reference is made to such objections, not to ascertain their justices or injustices on this occasion, but to remark, on the part of the United States, that much was conceded to obtain the passage of the resolution. And it was also believed that a like spirit would induce Texas to overlook minor considerations, relying on that high sense of honor and magnaminity which governs both the people and the representatives of the United States, to secure to her hereafter, all that she can reasonably desire, to place her on the most favorable footing with the other members of the Union."

Semi-officially these promises were scattered broadcast and considerably added to. In a letter to the *Galveston News,* Ashbel Smith, under date of January 25, 1876, said: "Major Donelson and other official agents sent to Texas by the Federal administration, were most lavish in their averments of what the Federal Government would do for Texas, so soon as the consumation of annexation would enable them to act. . . . The promises were, among others, to clear out our rivers for navigation, to deepen the entrances of our harbors, to build lighthouses on our coasts for commerce, to erect military works, fortifications for the defense of the coast, to execute important works of internal improvement, and to do various and sundry other good things for Texas, which were beyond our means, or which they could and would do for us better than we of ourselves could. Under the fostering protection of the United States it was vehemently prophesied that capital would flow into Texas in fertilizing streams to develop and utilize our immense natural resources. Employment, wealth, prosperity would reign in the land. It would afford the administration at Washington the liveliest pleasure to do, in one word, all goodly things for us. . . ."

President Jones submitted the question to Congress on June 16, 1845, along with the Mexican proposal to recognize Texas on condition of its remaining independent. He had previously pointed out that Texas was at peace with the world, that its Indian tribes were tranquil, that the receipts had been sufficient to meet the expenditures of the government, that the finances were much improved, and congratulated "Congress and the country upon a state of peace, happiness and prosperity never before experienced in Texas, and rarely if ever equaled by so young a nation."

It was plainly Jones's purpose to show, what was true, that Texas had passed the period of its greatest hardships and was now quite

able to take care of itself. The people, however, were anxious for union with the United States, and Congress accepted the terms of the joint resolution by an all but unanimous vote. A convention met on July 4th and framed a constitution. It was then adopted and submitted to the Congress of the United States in December, 1845. Congress approved the constitution on December 29th, and on February 16, 1846, President Jones yielded the executive office to Governor J. Pinckney Henderson.

CHAPTER XXIX

THE LAST STAGE OF THE ANNEXATION OF TEXAS

By Annie Middleton

[The selection which follows is made up of extracts from a detailed study of the final stage of the annexation movement from the Texan side. It was originally published in two parts. The first part, entitled: "Donelson's Mission to Texas in Behalf of Annexation," is in *The Southwestern Historical Quarterly,* XXIV, 247–291. The second part, "The Texas Convention of 1845," is in the same magazine, Volume XXV, 26–62. Read: Garrison, *Texas,* Chapter XXI; Barker, Potts, and Ramsdell, *A School History of Texas,* 180–187.]

I. Introductory

1. Recognition of Texan Independence by the United States

In the fall of 1835 Texas found herself at war with Mexico. This war began as an effort on the part of the Texans to restore the "republican principles" of government overthrown by Santa Anna, but it soon became a struggle for independence. Although the Texans held a consultation at San Felipe in November and organized a provinsional government, they remained at least nominally faithful to Mexico until the convention met at Washington, Texas, March 1, 1836. This convention declared the independence of Texas, drew up a constitution, and organized a permanent government. Pending the adoption of the constitution and the election of officers for the new government, the convention created a government *ad interim.*

In December, 1835, Governor Smith had directed Branch T. Archer, Stephen F. Austin, and William H. Wharton, the commissioners to the United States, to ascertain whether the United States would immediately recognize the independence of Texas if she declared her independence; so, after the March convention had declared independence and organized a government *ad interim,* it was natural to suppose that the government would push the question of recognition with energy.

On March 19, David G. Burnet, President of the government *ad interim,* appointed George Childress and Robert Hamilton as agents to the United States to open negotiations for "a recognition of the Sovereignty and Independence of Texas." However, he recalled them, and appointed James Collinsworth and Peter W. Grayson as com-

missioners to the United States to solicit the recognition of the independence of Texas by the United States and the annexation of Texas to the United States. Since they did not arrive in Washington until July 8, Congress had adjourned. . . . Therefore, when the commission of Collinsworth and Grayson expired with that of the provisional government, October 22, 1836, the status of the question of recognition was as yet practically untouched so far as any effort on the part of the Texas agents was concerned.

At the general election in September, General Houston was chosen President, and M. B. Lamar, Vice-President; and Houston appointed Henry Smith, Secretary of the Treasury, and Stephen F. Austin, Secretary of State. After the government was organized, President Houston appointed William H. Wharton minister to the United States "to enter into negotiations and treaties with the United States government for the recognition of the independence of Texas." On December 21, 1836, just three days after Wharton reached Washington, President Jackson in his message to Congress advised delay in the recognition of Texas independence. However, on January 11, 1837, Senator R. J. Walker offered a resolution that "the independent political existence of said state be acknowledged by the Government of the United States." On March 1, 1837, the Senate, by a vote of twenty-three to nineteen, passed this resolution, and two days later President Jackson appointed Alcée La Branche of Louisiana chargé d'affaires to the Republic of Texas.

2. Offer of Annexation by Texas

In November, 1836, President Houston had instructed Wharton to make an effort in behalf of annexation, but as John Forsyth, Secretary of State of the United States, thought that annexation should be the work of a northern President, nothing beyond recognition was gained during President Jackson's administration. Van Buren became President in March, 1837; however, Texas made no effort to secure annexation until August. Then Memucan Hunt, the Texan minister at Washington, in accordance with the instructions of his government, presented to Secretary Forsyth a formal proposition for the annexation of Texas. Nevertheless, because of the "furious opposition of the free States" and the fear of involving the country in a war with Mexico that would be branded as an unjust war by enemies at home and abroad, President Van Buren would not assent to this proposal. The Texan offer remained open until President Houston directed its withdrawal in October, 1838; and from that time the Texans put new energy into the effort to secure recognition in Europe. M. B. Lamar became President of Texas in December, 1838, and in his inaugural address he declared strongly against annexation, and an almost unanimous vote of Congress sustained him.

3. Negotiation of the Annexation Treaty

Despite the repulse of Texas in her desire for annexation, she was the first to return to the subject. In March, 1842, President Houston, who began his second term as President of Texas in December, 1841, instructed Isaac Van Zandt, the chargé d'affaires from Texas to the United States, to study the sentiment of Congress and the people relative to annexation and to keep his government advised. The United States continued to be indifferent until a truce between Texas and Mexico was secured in the summer of 1843 by the efforts of the British and French ministers in Mexico. Thereupon, Anson Jones, Texan Secretary of State, instructed Van Zandt to make a formal statement to the authorities at Washington "that the subject of annexation was not open to discussion." In the words of Jones: "This aroused all the dormant jealousies and fears of that government, the apathy of seven years' sleep over the question was shaken off, and a treaty of annexation was proposed to be celebrated."

The uneasiness thus awakened at Washington was much increased by reports that the British were using their influence in Texas to abolish slavery. As these reports continued to reach Washington, President Tyler and A. P. Upshur, the United States Secretary of State, came to the conclusion that British influence was working strongly in Texas, and that the one aim of Great Britain was to secure the abolition of slavery in that republic. Therefore, they decided to forestall such an event by concluding a treaty of annexation.

The negotiations, so far as they are on record, began October 16, 1843, with a letter from Upshur to Van Zandt offering to reopen the subject. Van Zandt sent to Texas for instructions, but President Houston assumed an attitude of indifference and caution, as he thought the chances for the ratification of the treaty by the United States Senate were not favorable, and, if it should fail, the alienation of England would leave Texas in an awkward position. Therefore, he demanded that the United States should place troops near the Texas border during the time of the negotiations, and that the United States should guarantee the independence of Texas, if the treaty should fail.

W. S. Murphy, the United States chargé to Texas, assented to the first condition, but not to the second. Nevertheless, President Houston appointed J. P. Henderson to coöperate with Van Zandt in the negotiation of the proposed treaty. Upshur had been killed by accident on February 28, and President Tyler had appointed John C. Calhoun to succeed him; so it was with him that the Texan chargés negotiated the treaty.

On April 22, President Tyler sent the treaty to the Senate for ratification. Although he urged its adoption in the message accompanying the treaty, it was rejected, June 8, 1844, by a vote of thirty-five to sixteen. The opposition contended that the annexation of

Texas would favor the extension and perpetuation of slavery, and that Mexico would consider such a step as a just cause for war.

In the meantime Henry Clay and Martin Van Buren had come out against annexation; the Whig and Democratic conventions had been held; Henry Clay had been nominated for the presidency by the Whigs and James K. Polk by the Democrats; and the annexation question had been made a plank in the Democratic platform. . . .

[Polk and the Democrats won the election in November, 1844. Then, without waiting for the new administration, President Tyler submitted to Congress a recommendation for immediate annexation.]

II. The United States Offers Annexation

1. Passage of the Joint Resolution by the United States Congress

As a basis for the annexation of Texas, President Tyler in his annual message of December, 1844, recommended that Congress adopt the rejected treaty "in the form of a joint resolution, or act," "to be perfected and made binding on the two countries, when adopted in like manner by the government of Texas." Thereupon a contest immediately arose over the form of annexation. Within a week after the session began, C. J. Ingersoll in the House and George McDuffie in the Senate, at the suggestion of President Tyler, introduced the terms of the treaty in the form of a joint resolution. However, because of the strong opposition, especially in the Senate, Congress did not adopt the resolution until February 28, 1845, and then in the following form:

1. Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled.—That Congress doth consent that the territory properly included within, and rightfully belonging to, the Republic of Texas, may be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of the said republic, by deputies in convention assembled, with the consent of the existing government, in order that the same may be admitted as one of the States of this Union.

2. And be it further resolved,—That the foregoing consent of Congress is given upon the following conditions, and with the following guarantees, to wit:—First, Said State to be formed, subject to the adjustment by this Government of all questions of boundary that may arise with other Governments; and the Constitution thereof, with the proper evidence of its adoption by the people of said Republic of Texas, shall be transmitted to the President of the United States, to be laid before Congress for its final action, on or before the first day of January, one thousand eight hundred and forty-six. Second, said State, when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, ports and harbors, navy and navy yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defence, belonging to said Republic of Texas, shall retain all the public funds, debts, taxes, and dues of every kind, which may belong to, or be due and owing said republic; and shall also retain all the vacant and

unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said Republic of Texas, and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct; but in no event are said debts and liabilities to become a charge upon the Government of the United States. Third, New States of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission, under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said territory lying south of thirty-six degrees, thirty minutes north latitude, commonly known as the Missouri Compromise line, shall be admitted into the Union, with or without slavery, as the people of each State, asking admission, may desire. And in such States as shall be formed out of said territory, north of said Missouri Compromise line, slavery, or involuntary servitude (except for crime) shall be prohibited.

3. And be it further resolved,—That if the President of the United States shall in his judgment and discretion, deem it most advisable, instead of proceeding to submit the foregoing resolution to the Republic of Texas, as an overture on the part of the United States for admission, to negotiate with that republic—then, Be it resolved,—That a State, to be formed out of the present Republic of Texas, with suitable extent and boundaries, and with two representatives in Congress, until the next apportionment of representation, shall be admitted into the Union, by virtue of this act, on an equal footing with the existing States, as soon as the terms and conditions of such admission, and the cession of the remaining Texan territory to the United States, shall be agreed upon by the Governments of Texas and the United States; and that the sum of one hundred thousand dollars be, and the same is hereby, appropriated to defray the expenses of missions and negotiations, to agree upon the terms of said admission and cession, either by treaty to be submitted to the Senate, or by articles to be submitted to the two Houses of Congress, as the President may direct."

Because of the bitter fight in the Senate, the joint resolution, as we see, consisted of two parts: the one, embraced in the first and second sections, the original House resolution; the other, the third section, the amendment passed by the Senate and concurred in by the House, authorizing the President to use his discretion in proposing to Texas a new negotiation.

After deliberately considering the joint resolution and the amendment, President Tyler chose the House resolution, as it could be "more readily and with less difficulty and expense carried into effect." His decisive objection to the amendment was that "it must be submitted to the Senate for approval, and run the hazard of receiving the votes of two-thirds of the members present, which could hardly be expected, if we are to judge from recent experience." . . .

2. Donelson's Instructions Concerning the Joint Resolution

Since it could scarcely be doubted that the English would use every effort to "induce Texas to reject the terms proposed," Calhoun instructed Andrew Jackson Donelson, the special representative of

the United States government, to "proceed at once to Texas" and "urge speedy and prompt action." . . .

3. Efforts of the French and English to Defeat Annexation

On arriving at Galveston, Donelson was informed that the English and French ministers, Captain Charles Elliot and Count de Saligny, after receiving dispatches by an English man-of-war from their respective governments, had hastily set out for Washington, Texas. Moreover, the public believed that the ministers had been instructed to guarantee the recognition of the independence of Texas by Mexico and other favorable propositions in the form of commercial advantages, if Texas would refuse to accept the American propositions. Donelson was, therefore, very anxious to reach Washington as soon as the other gentlemen; accordingly, he . . . "put off after them." . . .

On arriving at Washington, Elliot and Saligny formally invited President Jones, on behalf of his government, to accept the good offices of France and England with a view to an early and honorable settlement with Mexico upon the basis of independence. After a conference with his cabinet, President Jones instructed Ashbel Smith, the Secretary of State, to accept this intervention. Accordingly Smith prepared a draft preliminary to a treaty of peace between Texas and Mexico: (1) that Mexico should consent to acknowledge the independence of Texas; (2) that limits and other conditions should be arranged in the final treaty; (3) that Texas should be willing to submit disputed points respecting territory and other matters to the arbitration of umpires. Furthermore, that Texas should pledge herself to issue a proclamation announcing the conclusion of the preliminaries of peace with Mexico as soon as Mexico accepted the conditions and returned them to the President of Texas, and that she should agree "not to accept any proposals, or to enter into any negotiations to annex herself to any other country" for a period of ninety days from the date of this memorandum.

After a personal pledge on the part of Saligny and Elliot that only the courts of London and Paris, their ministers at Washington, and the Mexican government should know of the agreement, Smith, Elliot, and Saligny signed the document. Thereupon, Elliot offered to make a secret journey to Mexico, in order to secure an exact conformity to the preliminary arrangements. Under a pretext of a journey to Charleston, South Carolina, he left Texas on the *Electra,* and when out of sight of land, was transferred to another British ship bound for Vera Cruz.

While at Washington Elliot and Saligny had insisted that Texas have a representative at the courts of France and England with full powers to conclude any arrangement that might be necessary for the

safety of the country. They said that they would consider it as striking proof of the "good disposition of this Government at this crisis, if His Excellency would send back his present Secretary of State, who was known and highly appreciated" both in London and Paris, and, therefore, could be of the "highest use." President Jones complied with their request and appointed Smith to this office. At the request of his cabinet he appointed E. Allen, "a man of excellent sense, high character, and of the best disposition in this matter," to succeed Smith, as Secretary of State, as he knew that it would require a person like Smith with "the utmost firmness and caution," to manage affairs with success.

4. The Convening of the Texan Congress

When Donelson arrived at Washington, Texas, March 30, he could find out nothing concerning the mission of Elliot and Saligny. . . . On the afternoon of his arrival, he called upon Ashbel Smith and presented the substance of the American proposition for the admission of Texas, but Smith seemed uncertain as to the course the President would pursue. So Donelson, thereupon, presented himself to President Jones, who informed him that he had granted Smith a leave of absence, and that he had appointed E. Allen to carry on the negotiations. During the interview the President said that he had intended to call Congress, but, under the circumstances, as now presented, he believed that a better course would be to refer the subject directly to the people, and let them provide for a convention to effect the changes necessary for admission into the Union. He added, however, "that the gravity of the subject required him not to act in haste; and that, though he had a decided opinion of his own, he would dwell awhile on it, until he was aided by his cabinet." . . .

In public estimation of Texans the government of Texas had not responded with sufficient promptness to the overtures of the American government; so, while Donelson was wrestling with this great measure in a diplomatic way, enthusiastic annexation meetings were held throughout Texas, and county after county indorsed the terms offered by the United States, and demanded prompt action either by Congress or by a convention.

In a mass meeting at Brenham, April 11, the people declared unanimously for annexation, and recommended that all the counties elect representatives to a convention to ratify the joint resolution and form a state constitution, if President Jones did not convene Congress on or before the fourth Monday in June.

The Brazoria annexation meeting, April 14, was also indicative of the great anxiety of the people to act definitely and promptly. The chairman, Timothy Pilsbury, explained the object of the meeting, and appointed a committee to draft resolutions. While this was in retire-

ment, Tod Robinson addressed the meeting. After this the committee reported the resolutions, which were unanimously adopted. These expressed a desire for immediate annexation, with or without the consent of the Jones administration. They instructed the members of Congress to meet at Washington the third Monday in May and assume conventional powers, and, acting with the members of other counties, to call a convention and apportion the representation according to population so as to represent "the people and not acres." There was, also, a committee appointed to prepare an "Address to the People" calling upon them to meet and to insist upon the President's convening Congress. Guy M. Bryan carried a copy of the proceedings to James Love at Galveston, and a mass meeting in that city a few days later strongly indorsed the action of Brazoria.

The meeting at Houston on the ninth anniversary of the battle of San Jacinto showed the attitude of a majority of the Texans toward the Americans. They expressed their willingness to enter the American Union on the basis of the terms offered, and declared their "full confidence in the honor and justice of the American people" and their belief that the people of the United States would ultimately extend to them "every privilege that freemen can grant without dishonor and freemen can accept without disgrace."

The news of the American proposal spread like "wild fire" throughout the Republic so that by April 12, almost every county in the Republic had held a public demonstration or had set a day for one. These meetings were almost unanimous in their demands for prompt action, and the papers contained little else than accounts of these enthusiastic annexation meetings.

This excerpt from Ashbel Smith's letter to Jones as he was leaving Galveston as minister to England and France, April 9, is further evidence of the excitement about annexation:

> . . . I find everywhere very great, very intense feeling on the subject of annexation. . . . I am forced to believe that an immense majority of the citizens are in favor of annexation—that is, annexation as presented in the resolutions of the American Congress—and that they will continue to be so, in preference to independence, though recognized in the most liberal manner by Mexico. The tranquility at present arises from the confidence in your favorable dispositions towards annexation, and the assurance that you will soon present the matter in some definite form to the country, so as to enable the people to vote in favor of it. This I know is your purpose; but should a suspicion to the contrary arise, and should it be suspected that the matter was to be deferred till the European powers could in any wise be heard from or be consulted, especially England, I am certainly informed that an attempt will be made to convene a convention, by calling on the people in public meetings, for the purpose of overriding the Government,—in other words, an attempt will be made to plunge the country into a revolution. The plan has been matured in Harris, Brazoria, and Galveston counties. . . . When it is known that I am going to Europe, as it will be when I sail from the United States, I feel convinced that public opinion will be inflamed beyond control. . . . Invi-

tations will issue from meetings claiming to represent the popular will, urging the people to meet without delay and elect delegates to a convention, for the purpose of exercising all the powers of government. . . .

On looking over what I have written, I see that I have understated rather than overstated the feeling on this subject and the importance that will be attached to my mission when known. I am sure its tendency will be to prevent the dispassionate consideration by the people of the grave matter about to be submitted to them; and I am really apprehensive that an attempt may be made to subvert our institutions. . . .

As the people had so unanimously expressed a desire for prompt action on the American proposal, and as Donelson had met with little encouragement at Washington, he decided to go to Huntsville for a conference with Houston, whom he found strongly opposed to the joint resolution, but in favor of the negotiations contemplated in the Senate amendment. Donelson tried to satisfy him, but he still insisted upon opening negotiations, feeling that "Texas should have something to say about the matter," which would be impracticable with the resolutions. . . .

As a substitute for the terms of the joint resolution Houston suggested: (1) that the United States should receive and pay a liberal price for the public property of the Republic; (2) that Texas should retain her public lands; (3) that the United States should indemnify the citizens of Texas for any lands in territory abandoned by the United States; (4) that arrangements should be made for the United States to purchase the vacant lands of Texas at a price stipulated by commissioners; (5) that lands purchased by the United States should not be sold to any Indian tribe, nor should Indians be permitted to settle within the present limits of Texas without the consent of the Senate of Texas; (6) that Texas should pay its national debt; (7) that the United States should pay the Texas citizens for lands within its boundary lines; and (8) that Texas should not form a part of the Union until her Constitution was accepted by the Congress of the United States. . . .

Since the people had made known their desire to President Jones in a way too plain to be misunderstood, he became convinced that the only safe thing for him to do was to call Congress in session. Therefore, in an interview with Donelson on April 12, he assured him that "regardless of his individual opinion," he would submit the proposition "fairly and promptly" to Congress, so that Congress could apportion the districts for the election of the deputies to a convention to test the ratification of the proposals, and to make the corresponding changes in the government. . . . Accordingly, on April 15, President Jones issued a proclamation calling a special session of Congress to meet at Washington, June 16, to "receive such communications as may be made to them, and to consult and determine on such measures as in their wisdom may be deemed necessary for the welfare of Texas."

President Jones caused much dissatisfaction by delaying the convening of Congress until June 16, as the people generally believed that he was waiting for the English and French to have an opportunity to defeat annexation by forcing Mexico to recognize the independence of Texas. However, Jones justified his action on the grounds that the delay was unavoidable, as the members could not have assembled earlier because of the water courses throughout the country having overflowed. . . .

5. *The Calling of the Convention*

As one of the conditions of the joint resolution for the admission of Texas was that Texas might be erected into a new state, to be called the state of Texas, with a republican form of government, to be adopted by the people in convenion assembled, the friends of annexation were not content with the call of Congress, but clamored for a convention, since Congress could not apportion the representation or form a new constitution. However, there was a great diversity of opinion relative to the calling of the convention. Some of the counties desired to meet in primary assemblies and elect their delegates to a convention previous to the meeting of Congress; others desired that Congress should assemble in May, apportion the representation according to population, and designate the day for the convention; while others preferred that the President should apportion the representation and call a convention. This diversity of opinion threatened to lead to serious difficulties, and the enemies of annexation began to predict that a firebrand would be thrown into Congress as soon as it met and that a contest would begin immediately between the eastern and the western members over representation in the convention.

This disagreement over representation was due to the fact that the general convention at Washington in March, 1836, had designated the membership in Congress before Santa Anna invaded and depopulated the western counties, with the result that this section of the Republic, with only about one-third of the whole population, had in Congress a majority over the other two-thirds. Nevertheless, it had been impossible to correct these inequalities, as the constitution forbade a reapportionment of the representatives until a census was taken, which so far the western members had been able to prevent. The West claimed that the present basis was fair and just, as this region had always borne the brunt of the war while its population had been decreased and immigration had been prevented by the Mexican invasion. Regardless of this fact, however, the other parts of the Republic were not satisfied with their representation, as "they had the burden of taxation to bear, while the West received all the benefits."

After President Jones issued the proclamation convening Congress, this question of representation became very acute as some of the most influential members of the West declared "that they now had the power in Congress, and would keep it in the State Government by apportioning the members of the convention in such a manner as to perpetuate the old basis."

As this question of representation carried with it the location of the capital, the West was even more persistent in its demand that the basis then existing should be maintained in the convention, for it desired to make Austin the permanent capital. . . .

On May 5, 1845, Jones issued the following proclamation:

Whereas the people of Texas have evinced a decided wish that prompt and definite action should be had upon the proposition for annexation recently submitted by the government of the United States to this government, and that a convention should be assembled for this purpose; and

Whereas it is competent for the people alone to decide finally upon the proposition for annexation, and, by deputies in convention assembled, to adopt a contsitution with a view to the admission of Texas as one of the States of the American Union; and

Whereas no authority is given by the constitution of this republic to any branch of the government to call a convention and to change the organic law—this being a right reserved to the people themselves, and which they alone can properly exercise—

Therefore, be it known that I, Anson Jones, President of the republic of Texas, desirous of giving direction and effect to the public will, already so fully expressed, do recommend to the citizens of Texas that an election for "deputies" to a convention be held in the different counties of the republic on Wednesday, the fourth day of June next, upon the following basis, viz.: Each county in the republic to elect one deputy, irrespective of the number of voters it contained at the last annual elections; each county voting at that time three hundred, and less than six hundred, to elect two deputies; each county voting at that time six hundred, and less than nine hundred, to elect three deputies; and each county voting at that time nine hundred and upwards, to elect four deputies . . . and that the said deputies so elected do assemble in convention at the city of Austin, on the "fourth of July" next, for the purpose of considering the proposition for the annexation of Texas to the United States, and any other proposition which may be made concerning the nationality of the republic, and should they judge it expedient and proper, to adopt, provisionally, a constitution to be submitted to the people for their ratification, with the view to the admission of Texas, as a State, into the American Union, in accordance with the terms of the proposition for annexation already submitted to this government by that of the United States. And the chief justices of the respective counties aforesaid will give due notice of the said elections, appoint a presiding officer in the several precincts, who will appoint the judges and clerks of said elections, and have the same conducted according to the constitution and laws regulating elections, and make due return thereof. . . .

6. Mexico's Acceptance of the Proposals of Texas

On May 19, 1845, almost a month after Elliot had arrived in Mexico, the Mexican government accepted the conditions preliminary to a treaty of peace with Texas, but President Herrera requested

that the person or persons sent to Texas to conclude the treaty of peace should take the title of commissioner or commissioners, and that the instant the negotiations should commence, they should bring forward their title of plenipotentiary. Moreover, Luis Cuevas, the Secretary of State, in an additional declaration asserted that if Texas should consent either directly or indirectly, to the "law passed in the United States on Annexation," then this agreement entered into between Texas and Mexico should be considered "null and void." On May 20, Bankhead, the British minister in Mexico, transmitted to Elliot this document containing the acceptance of the Texan proposals, and instructed him to present it secretly to President Jones as soon as possible. Whereupon, Elliot immediately left Mexico for Texas by the way of Vera Cruz.

Elliot, according to his instructions, had expected to keep the negotiation a secret, but on arriving at Galveston, May 30, he found the strength and unanimity of the annexation cry so great that he made known the terms of the preliminary treaty. Donelson was at Iberville, Louisiana, when he heard that Texas and Mexico had entered into a preliminary treaty recognizing the independence of Texas. Before this he had heard rumors of the intrigue, but he had discredited them, and had repeatedly assured his government that there was nothing in the reports of British interference. However, when he received authentic information that the treaty had been accepted by Mexico, he hastened to Galveston. Here he met Elliot, who had just arrived from Mexico, and found out from him the exact terms of the proposal carried to Mexico.

Elliot set out for Washington on the first day of June, and hurried on without even pausing for rest. He reached his destination on June 3, and promptly delivered the documents to President Jones, who assured him that he would not fail to "fulfil what he considered his obligation towards his own country, towards Mexico, and towards the powers who had interested themselves in the peaceful and honorable settlement of this struggle, and that he would, therefore, in the course of a few days issue a proclamation setting forth the actual situation of affairs as they existed between Mexico and the people of this country, and then leave it to them and their constitutional agents to dispose of the result as they should judge best." Accordingly, on June 4, President Jones issued this proclamation giving an account of the circumstances which preceded and led up to the negotiation with Mexico, and proclaiming a "cessation of hostilities against Mexico":

> The Executive is now enabled to declare to the people of Texas the actual state of their affairs with respect to Mexico, to the end that they may direct and dispose them as they shall judge best for the honor and permanent interests of the republic.
>
> During the course of the last winter it reached the knowledge of the

Executive, from various sources of information, unofficial indeed, but still worthy of attention and credit, that the late and present government of Mexico were disposed to a peaceful settlement of the difficulties with Texas by the acknowledgment of our independence, upon the understanding that Texas would maintain her separate existence. No action, however, could be taken upon the subject, because nothing authentic was known until the month of March last, when the representatives of France and Great Britain near this government jointly and formally renewed the offer of the good offices of those powers with Mexico for the early and peaceful settlement of this struggle, upon the basis of the acknowledgment of our independence by that republic.

It would have been the imperative duty of the Executive at once to reject these offers if they had been accompanied by conditions of any kind whatever. But, with attentive watchfulness in that respect, and great disinclination to entangling alliances of any description, or with any power, he must declare, in a spirit of justice, that no terms or conditions have ever been proposed by the two governments in question, or either of them, as the consideration of their friendly interposition.

Maturely considering the situation of affairs at that time, the Executive felt that it was incumbent upon him not to reject this opportunity of securing the people of this country, untrammeled by conditions, a peaceful, honorable, and advantageous settlement of their difficulties with Mexico, if they should see fit to adopt that mode of adjustment.

Thus influenced, he accepted the good offices of the two powers, which, with those of the United States, had been previously invoked by Texas, and placed in the hands of their representatives a statement of conditions preliminary to a treaty of peace, which he declared he should be ready to submit to the people of this country for their decision and action as soon as they were adopted by the government of Mexico. . . .

Whereas authentic proof has recently been laid before me, to the effect that the Congress of Mexico has authorized the government to open negotiations and conclude a treaty with Texas, subject to the examination and approbation of that body; and further, that the government of Mexico has accepted the conditions prescribed on the part of Texas as preliminary to a final and definitive treaty of peace:

Therefore I, Anson Jones, President of the republic of Texas, and commander-in-chief of the army and navy and militia thereof, do hereby make known these circumstances to the citizens of this republic, till the same can be more fully communicated to the honorable Congress and convention of the people, for their lawful action, at the period of their assembling on the 16th June and 4th July next; and pending the said action, by virtue of the authority in me vested, I do hereby declare and proclaim a cessation of hostilities by land and by sea, against the republic of Mexico, or against the citizens and trade thereof.

7. *Texan Opposition to the Preliminary Treaty with Mexico*

The anti-administration party took the position that President Jones had entered into this negotiation with Mexico to create an issue on which a majority of the people would unite against the American proposal. Therefore, a storm of protest arose. "We are informed," said the editors of the New Orleans *Courier*, June 24, "that the feelings of the whole population are aroused to the highest pitch by the treacherous conduct of Jones and by his intention, if left to

himself, to throw the republic into the arms of England." Ashbel Smith said that the people appeared frantic in their hostility to the negotiation.

Donelson thought that the negotiation with Mexico *"was nothing more nor less than a contrivance* of Great Britain to defeat annexation or to involve Mexico in war with the United States," as Elliot on his return announced that hostilities would ensue if Texas accepted the American proposition. To meet this emergency and to counteract the effect of Elliot's reports, Donelson, keeping within the limits of his instructions of May 23, prepared a "paper for the Texas government," in which he again pledged the forces of the United States to protect Texas as soon as the government accepted the proposed terms. . . .

As such a large majority of the friends of annexation condemned President Jones in unmeasured terms for entering into the negotiation with Mexico, Jones wrote to the editor of the *Civilian and Gazette* (Galveston), defending his course. . . .

Despite the fact that the anti-administration party condemned President Jones so severely for entering into the preliminary treaty with Mexico, Wm. B. Ochiltree, a strong annexationist of Houston, said that it was the duty of the President to accept the offices of the foreign powers to obtain from Mexico the terms upon which she would be willing to acknowledge the independence of Texas, and that since President Jones had stated the terms, and Mexico had accepted them, that he was in duty bound to submit these propositions to Congress, as the constitution required the President to submit all documents in the nature of a treaty to the Senate. Furthermore, if he had rejected the offer on his own responsibility, that he would have been liable to censure.

8. The Texan Congress Accepts the American Proposal

After the President issued the proclamation making known the negotiation with Mexico, nothing else of importance occurred relative to annexation until Congress met, June 16. As soon as Congress was organized, President Jones presented both the American and the Mexican propositions, in accordance with his previous announcement, so the alternative of annexation or independence was thus placed before the people, and their "free, sovereign, and unbiased voice" was to determine "the all important issue." In his message, he assured the members of Congress that in so far as it should depend upon the executive to act, he would give immediate and full effect to their expressed will.

Two bills relative to annexation were introduced in Congress, one in each house, and were unanimously adopted, but, as the bills were different in some respects, neither house was willing to accept

the bill of the other. Therefore, a committee of conference was chosen by the two houses to effect a compromise. The substitute bill recommended by the committee was adopted and promptly signed by President Jones. . . .

9. The Convention Accepts Annexation

Of the sixty-one deputies to be elected to the convention, President Jones apportioned fourteen from the twelve western counties, eleven from the five northern, thirteen from the eight eastern, and twenty-three from the eleven middle. According to the votes cast at the last annual election, this gave an average of one deputy for every one hundred and fifty-four voters in the West, for every two hundred and twenty-seven in the North and East, and for every two hundred and twenty-three in the middle counties.

This basis of representation was more favorable to the West than its most enthusiastic advocates could have expected to obtain from Congress; therefore, all party dissension, all petty jealousies, and all antipathies were forgotten. Moreover, numerous sources of evidence emphasize the fact that this apportionment was satisfactory not only to the West but also to every other section of the Republic. . . .

During the month of May, almost every county in the Republic held public demonstrations endorsing the action of President Jones in calling the convention. The mass meeting held at Brenham, May 12, is one of the many instances in which the people publicly expressed a desire to consummate annexation speedily on the basis of the American proposal. At this meeting the people expressed their approval of the President's proclamation, instructed their senators and representatives to accept the joint resolution as soon as possible after Congress had assembled, urged all the counties to elect delegates to the convention on June 4, and appointed a committee of five to assist in carrying out the measure of annexation by corresponding with other committees in the Republic. Despite the fact, however, that the people had expressed so enthusiastically their preference for annexation, on May 14 a public meeting at Bastrop condemned the President for calling the convention, and on June 19, the anti-annexationists met at Crockett and agreed to use all honorable means in their power "to perpetuate inviolate the independent national existence of the Republic of Texas."

Heretofore, the middle and eastern counties had been the bitterest opponents of the President, but in the calling of the convention they gave him their unanimous support, as their main object was to secure annexation with as much unanimity and as little delay as was practicable, and they believed that this act settled annexation so far as it rested with the people of Texas. Another reason for endorsing the President's action was that they considered a united coöperation of

the people with the executive and legislative branches as the only possible means of effecting annexation, since the whole proceeding was extra-constitutional, and since it was only by the consent of the government then existing that any steps taken for effecting an organic change in the laws could become valid. Regardless of this fact, however, some of the anti-party men still desired to overthrow the Jones administration. In consequence of this, the *Texas National Register* urged the opponents of the President to "abstain from any violent and irregular proceedings, and not to attempt to disorganize the present Government," as they had threatened to do.

On the day appointed by the President, every county in the Republic held the elections, which were generally characterized by good order and harmony, but which in a few instances ended in most shameful rows. Since the people considered that their dearest interests would be in jeopardy in the convention, they elected their most experienced and ablest champions to represent them in the new political arena, but only two of the delegates chosen were native Texans. The others were former citizens of the United States, a majority of whom had come to Texas during the era of the Republic.

The convention had been called to meet at Austin, July 4, 1845, but as a majority of the delegates elect were in the city before the appointed time, an informal meeting was held in the afternoon of July 3. After some discussion, Thomas J. Rusk, acting as chairman of the meeting, appointed a committee of fifteen to draft an "ordinance expressive of the consent of the people of Texas to the terms, conditions, and guarantees" contained in the joint resolution. The members of this committee were: A. S. Lipscomb, Francis Moore, James Love, Isaac Van Zandt, Wm. L. Cazneau, L. D. Evans, H. G. Runnels, John Hemphill, J. Pinckney Henderson, J. M. Lewis, R. E. B. Baylor, James Davis, G. W. Smith, John Caldwell, and G. A. Everts. These met in the evening, and remained in session until almost midnight before they accepted the terms offered in the first and second sections of the joint resolution for annexing Texas to the United States.

The convention that held its first formal meeting at the capital on the morning of July 4, is generally conceded to have been the "ablest political body that ever assembled in Texas," and "it may be seriously doubted whether at the present time a body of delegates could be selected who would represent an equal variety of legal knowledge and an equally extensive experience in the administration of laws." They exhibited a great diversity of opinions, wishes, and views, and the very object for which they had assembled was of such a nature as to develop the most conflicting opinions and the most opposite theories. Therefore, it was often necessary to effect a compromise before a satisfactory agreement could be reached.

When the session opened, H. G. Runnels formally proposed

Thomas J. Rusk for President, and as no other names were offered, the convention declared him "duly and unanimously elected." He then addressed the assembly, saying:

> . . . The objects for which we have assembled deeply interest the people of Texas. We have the hopes of our present population as well as of the millions who may come after us in our hands. . . .
>
> Let us then lay aside all minor considerations, and avoid all subjects calculated to divide us in opinion, and let us march boldly and confidently up to the formation of a Constitution, which, while it secures our own rights, shall satisfy our friends abroad, and meet the sanction of God to whose bountiful providence Texas is already so much indebted. While we insert these great principles which have been sanctioned by time and experience, we should be careful to avoid the introduction of new and untried theories. We should leave those who are to follow us free to adopt such amendments to the system as their experience and intelligence shall suggest and their circumstances render necessary. We have one great object in view, and that is to enter the American Confederacy with becoming dignity and respect.

After the address the convention completed its organization by electing J. H. Raymond, secretary, Wm. Cockburn, doorkeeper, W. Haynie, chaplain, and F. G. Fisher, interpreter.

In order to facilitate the work of the convention, President Rusk appointed five standing committees, namely: on the State of the Nation, and on the Executive, Legislative, Judiciary, and General Provisions of the constitution. He, also, appointed a committee of five to prepare rules for the convention. Isaac Van Zandt was chairman of the committee on General Provisions and a member of the committee on rules.

The following is a list of delegates elected to the convention:

Austin county—Oliver Jones and P. M. Cuney.
Brazoria—H. G. Runnels and R. M. Forbes.
Brazos—Samuel Lusk.
Bastrop—John Caldwell.
Colorado—G. W. Brown.
Fannin—G. A. Everts and Lemuel Evans.
Fort Bend—J. B. Miller.
Fayette—R. E. B. Baylor and J. S. Mayfield.
Galveston—R. Bache and J. Love.
Goliad—Wm. L. Hunter.
Gonzales—John D. Anderson.
Houston—Isaac Parker and P. O. Lumpkin.
Harris—Francis Moore, I. W. Brashear, and Alex McGowan.
Harrison—Isaac Van Zandt, S. Holland, and Edward Clark.
Jasper—G. W. Smith.
Jefferson—J. Armstrong.
Jackson—F. M. White.
Liberty—J. Davis and G. T. Wood.

Lamar—G. W. Wright and H. R. Latimer.
Montgomery—Sam Houston, James Scott, and A. McNeil.
Matagorda—A. C. Horton.
Milam—I. Standefer.
Nacogdoches—T. J. Rusk, J. L. Hogg, and C. T. Taylor.
Rusk—David Gage.
Robertson—H. J. Jewett and C. Armstrong.
Refugio—J. Powers.
Red River—T. C. Young, A. H. Latimer, and J. T. Mills.
San Augustine—J. P. Henderson and N. H. Darnell.
Shelby—R. Rains and A. W. O. Hicks.
Sabine—J. M. Burroughs.
San Patricio—H. L. Kinney.
Travis—W. L. Cazneau.
Victoria—A. S. Cunningham.
Washington—A. S. Lipscomb, J. Hemphill, and V. R. Irion.

The convention being duly organized, the communication from President Jones was read, the contents of which are given below:

In compliance with one of the provisions of a Joint Resolution of the present Congress, entitled "A Joint Resolution giving the consent of the existing government to the annexation of Texas to the United States" approved on the third inst., I now have the honor to transmit you a copy of the said Joint Resolution properly authenticated at the State Department.

Believing the Convention might have use for them, I also transmit you copies of the following official documents:

1. A joint resolution for annexing Texas to the United States, aproved March 1st, 1845.

2. A Proclamation recommending the election of deputies to the Convention. . . .

3. A Proclamation declaring to the people of Texas the actual situation of affairs with Mexico, and a cessation of hostilities between the two countries.

4. Conditions preliminary to a Treaty of Peace between Texas and Mexico. . . .

5. Joint Resolution relative to the introduction of United States troops and for other purposes.

On motion of A. S. Lipscomb, President Rusk, appointed a committee, composed of the same members as that of the previous day, to draft an ordinance, "expressing the assent of the convention to the American proposition." This committee, after an absence of a few minutes, reported the following ordinance, and recommended its adoption by the convention:

Whereas the Congress of the United States of America has passed resolutions providing for the annexation of Texas to that Union, which resolutions were approved by the President of the United States on the first day of March, one thousand eight hundred and forty-five; and whereas the President of the

United States has submitted to Texas the first and second sections of the said resolution, as the basis upon which Texas may be admitted as one of the States of the said Union; and whereas the existing government of the republic of Texas has assented to the proposals thus made, the terms and conditions of which are as follows:

[The two first sections of the joint resolution of the Congress of the United States are here quoted.]

Now, in order to manifest the assent of the people of this republic, as required in the above recited portions of the said resolutions, we, the deputies of the people of Texas, in convention assembled, in their name, and by their authority, do ordain and declare, that we assent to and accept the proposals, conditions, and guarantees contained in the first and second sections of the resolution of the Congress of the United States aforesaid.

Despite his previous objections to the terms proposed by the United States, J. S. Mayfield, former Secretary of State, moved the adoption of the ordinance as submitted by the special committee. Thereupon, without any discussion, the vote was taken and there was but one dissenting voice, R. Bache of Galveston, and he affixed his signature to the resolution after it was adopted by the convention. President Rusk at once sent certified copies of the ordinance to President Jones, to be by him transmitted to the President of the United States. On July 5, Donelson, who, as an interested observer, had been in attendance upon the Congress at Washington, arrived in Austin, where Rusk immediately furnished him with a certified copy of the ordinance. This Donelson forwarded by a special messenger to Buchanan.

In reply to President Rusk's note accompanying the ordinance Donelson said:

From the date of the acceptance of this Ordinance she [Texas] will have acquired the right to the protection of the United States, and the undersigned is happy to inform you that the President has already taken steps to afford this protection in the most effective manner against future invasion by either the Mexicans or Indians.

[The convention proceeded to frame a State Constitution. Congress approved the constitution in December, 1845, and the change from republic to state was made on February 16, 1846.]

CHAPTER XXX

EAST TEXAS IN THE POLITICS OF THE REPUBLIC

By George L. Crockett

[This selection is from the Bulletin of the Sam Houston State Teachers College, March, 1928. The sectional rivalry between West Texas and East Texas is an interesting theme which needs to be developed by students of Texas history. This paper is a significant contribution to that topic. See Christian, "The Tariff History of the Republic of Texas," in *The Southwestern Historical Quarterly,* XX, 315–340, XXI, 1–35. Read: Garrison, *Texas,* Chapter XIX; Barker, Potts, and Ramsdell, *A School History of Texas,* 143–168.]

In order to understand the political alignment of the early statesmen of East Texas and the reasons for their opinions, it is necessary to glance at the broader field of the Republic and the opinions of the different parties that arose therein. There were in fact no parties in the later sense of the word. There was no separation of public men and their followers into organized parties to which they owed allegiance; but there was a diversity in interests in the various sections of the country, which led to differences of opinion between the people of the several sections, and in consequence caused their leaders to advocate different measures. These divergent opinions would, no doubt, have crystallized into party platforms had Texas continued much longer as an independent nation; as it was, they gave point and significance to the debates in congress, and to the political discussions in the home counties.

In the division of interests the East was usually pitted against the West. Politically, East Texas included not only the original settlements of Nacogdoches and San Augustine, but the entire section east of the Trinity river, from Liberty at the south to Henderson and Crockett, and the settlements along the Red river in the north. The political opinion of the West centered in the counties lying on the Brazos and Colorado rivers, and as far as San Antonio. The Gulf coast, including Galveston, Houston and Matagorda, appears to have sided first with one section and then with the other, besides having problems of its own.

This divergence of counsel did not arise originally in the Repub-

lic, but was an inheritance from the older colonies under the Mexican government. The centers of action in the colonial régime were Nacogdoches and San Augustine in the East, Liberty and Velasco in the South, and San Felipe, Bastrop and Gonzales in the West. The Eastern colonies were of different origin from those in the West and South, and were settled under different auspices. Their histories had developed along entirely different lines, and had but little in common. Their various problems were brought out in the conventions of 1832 and 1833, and while the action of these bodies was harmonious in the interest of the whole province, it was inclusive of separate matters affecting the different sections.

Of these political inheritances from the colonial period, some disappeared with the success of the revolution. One of these was the land problem along the eastern border, which was automatically settled by the inauguration of the land system of the Republic. Others, like the general policy for dealing with the Indian tribes, persisted, or even became intensified, after independence was established. Yet other matters, such as the question of annexation, the maintenance of the army and navy, and the imposition of the tariff, arose out of the establishment of Texas as a free nation. All these matters occupied the attention of the general public, and in all there was a line of cleavage more or less distinctly marked between the East and West.

Back of all these questions and dominating the situation was the personality of General Houston. Houston was the hero of East Texas. His first elevation to the command of the armies of the Republic emanated from the Committee of Safety in San Augustine, and was immediately seconded at Nacogdoches. The people throughout that section had the greatest confidence in his military ability, and became his enthusiastic supporters after the final victory. On the other hand the people of the West and South, where the scourge of war had fallen most heavily, criticized him with great bitterness, which, as opportunity offered in his later years, developed into unseemly vituperation. In the West his good actions were misunderstood and condemned; in the East his worst faults were condoned or defended. Governor O. M. Roberts, in a lecture delivered at the University of Texas in May, 1895, says: "In fact in all that time (1836-1861) the political contention in Texas was for and against Houston, as much or more than the real public measures pertaining to the interests of the country, the West being generally opposed to him and the East in his favor." Nevertheless, the East, as Governor Roberts concedes, sometimes opposed his measures.

In the East the chief towns were Nacogdoches and San Augustine, while the town of Clarksville in Red River county was growing in importance. Besides these were Shelbyville, Milam, Sabinetown, Bevilport and Jasper, and on the north the places of Palestine, Crockett, Henderson and Marshall. Among these the town of San

Augustine seemed at the time to have the greatest promise of future prosperity. This was due to a variety of causes which conspired together to bring it into prominence. It was the gateway to Texas from the east, being the first important town on the only main road leading into the country from the United States. Located in the center of a beautiful hardwood forest country as contrasted with the pine hills above and below, it speedily attracted the immigrants, who settled there in large numbers. It soon outstripped its only eastern rival, Nacogdoches, which had not recovered at that time from the Mexican and Indian troubles of the previous decade, and became in fact one of the most important places in the Republic. It must be remembered that the West and South had been devastated by Santa Anna's invasion. Three of the principal towns, Gonzales, San Felipe, and Harrisburg had been burned to the ground; others had been ravaged and much property destroyed. Those which later rose to prominence, like Houston and Austin, were yet in their infancy, and could not be expected to wield much influence. San Augustine on the other hand, founded in 1833, and rapidly filling with inhabitants, had suffered less than any other town in Texas, and was in a position to attract an immigration, which soon made it populous for that time.

Another cause which contributed to its prominence was the fact that a galaxy of brilliant men, leaders in thought and action, were attracted to the place and lived there during the time of the Republic, and some of them long afterwards. Many of the old leaders who had guided the affairs of the district through the troubles of the previous years had passed away. Jonas Harrison died in 1836. William McFarland moved to Newton county in 1837. Others had gone from the county in various directions. But their places had been taken by new men of as great or greater ability, who filled with distinction the highest offices of the Republic, and exercised a profound influence upon the fortunes of the nation. This group included, among others, James Pinckney Henderson, Kenneth L. Anderson, George W. Terrell, John A. Greer, Joseph Rowe, the brothers Richardson and William R. Scurry, William B. Ochiltree, Dr. John S. Ford, B. Rush Wallace, Oran M. Roberts, Royall T. Wheeler, Henry W. Sublett, and Richard S. Walker; while the neighboring counties of Sabine, Shelby and Jasper furnished David S. Kaufman, William C. Crawford, and S. H. Everett.

In Nacogdoches also we find the names of Thomas J. Rusk, Robert A. Irion, Charles S. Taylor, John Forbes, Kelsey A. Douglas, Amos Clark, William Clark, James H. Starr and Henry Raguet. Gravitating between Nacogdoches and San Augustine was the dominant figure in the Republic, Sam Houston.

The power which these men wielded in the political life of the Republic is shown by the fact that they organized almost every Congress that was assembled during the decade of its existence. Joseph

Rowe was chosen Speaker of the House in the second Congress, David S. Kaufman of the fourth and fifth, K. L. Anderson of the sixth, N. H. Darnell of the seventh, and Richardson Scurry of the eighth, making six out of ten speakers chosen. In the Senate, Stephen H. Everett of Jasper was chosen as President of that body for the second and third Congresses and John A. Greer of San Augustine for the sixth, seventh, eighth and ninth respectively. In addition to these it must be remembered that Houston, who was twice chosen President of the Republic, was an eastern man, while the election of Anson Jones, a southern man, turned upon his endorsement by the East. K. L. Anderson was elected Vice-President at the same time that Anson Jones was chosen President. Besides these J. Pinckney Henderson, Thomas J. Rusk, Robert A. Irion, James H. Starr, George W. Terrell, and William B. Ochiltree filled a number of important offices in the cabinet and diplomatic service.

Another important element of influence was the *Red Lander*, published in San Augustine, which had a wide circulation in East Texas, and was well known throughout the Republic. The editor, Alanson W. Canfield, came to Texas in 1836. About 1840 he began publishing the *Red Lander*, and soon proved himself an efficient editor and manager. Governor Roberts in his lecture on San Augustine, says that he "generally enlisted some of the young attorneys to aid him in publishing it." When we remember that these "young attorneys" were such men as Scurry, Anderson, Kaufman, Wheeler and Roberts himself, we can appreciate the quality of the aid thus rendered. To Canfield himself, however, must be given the credit for the editorial ability, keen sense and sound judgment which enabled him to produce a paper, the weight of whose opinions was felt and acknowledged everywhere in Texas. Its chief rivals in the political field were the *Telegraph and Texas Register* of Houston, edited by E. H. Cushing, and the *Vindicator* of Washington on the Brazos, which was usually regarded as the semi-official organ of the government. Canfield met these papers on a fair field of political debate with no favors asked, and successfully upheld his end of the controversy. He published speeches made on various occasions by prominent men, letters and articles on leading questions of the day, state papers, such as the addresses of the President and Vice-President, reports of political meetings and nominations of candidates, national (Texas) and foreign news (the foreign news sometimes in the form of rumors a month old), very little strictly local news, usually confined to deaths and marriages and matters in relation to the University and College. It was in short a weekly journal of national interest particularly devoted to the affairs of East Texas. It contained as much matter of vital importance to Texas as an equal number of pages of any of the big dailies of the present time. It was used by men like General Henderson, Judge Ochiltree, Judge Scurry, Dr. John S. Ford and

others as a proper medium to bring their opinions before the public, and the fact that it had the support of these men gave it additional weight in the country.

As has been remarked the great issues upon which the people of Texas were divided were the Indian policy, the tariff and the question of annexation. Of these the first had been a troublesome problem from the very beginning. Indian relations were uppermost in men's minds in the wars of 1827 and 1832, and occupied the thoughts of the delegates to the Conventions of 1832 and 1833. In the Consultation of 1835 it was recognized that the menace of Indian war formed one of the greatest perils, not only to the East but to all Texas. This is the explanation of the liberal promises made to the Cherokees by the Consultation in November, 1835, and of the treaty negotiated by Houston, Cameron, and Forbes in January, 1836. It was the fear of an Indian uprising that was the potent incentive to flight in the "runaway scrape" in April, 1836. Finally, as the result of Mexican intrigues, arose the trouble of 1838 and 1839, ending in the expulsion of the Cherokees.

East Texas from the very beginning had manifested a pacific policy towards these Indians, and had suffered comparatively little from them. But it was all along evident that this pacifism was prompted by fear of their power rather than love of their cause. In this the Easterners failed to follow their hero, Houston, to the full extent of his policy. Houston was an adopted member of the Cherokee Nation and had been invested with the dignity of a chief. No doubt he felt a genuine sympathy for them and a desire to treat them with the greatest liberality. In his first administration he endeavored to carry into effect the treaty he had made with them during the stress of war, and employed Colonel Alexander Horton, of San Augustine, to run the boundary line between the proposed Indian Reservation and the lands left open for settlement. It was hard to restrain the restless spirits of the pioneers from violating this agreement, and the continual infringements of the settlers upon the Indian land was a constant source of irritation. The cooler heads in East Texas did their best to restrict the settlers to the open lands, but when Houston passed out of office, and under Lamar the Cherokee war came on, the citizens sprang to arms with an alacrity which showed that their hearts were in the cause.

The expulsion of the Cherokees was to them like the removal of an incubus from their shoulders. As they were able to breathe more easily they gave a more discriminating adherence to the pacific policy of Houston in his second administration. In the issue of July 8, 1843, Canfield in the *Red Lander* is of the opinion that white settlers trespassing on Indian lands should be restrained and fully endorses the President's policy. Judge G. W. Terrell, as Attorney General, participated in the negotiations of several Indian treaties signed during

this administration. He also issued an official opinion upholding the validity of the Cherokee treaty of 1836, and declaring the titles to all lands located on the Cherokee tract to be void. The *Red Lander,* however, opposes this opinion on the ground that the Consultation had no authority to make such a treaty, and that it was later rejected by the Senate. It is noteworthy, however, that this adhesion to the liberal policy of Houston in relation to the Indians of the northern portion of the Republic came only after the dreaded menace of the Cherokee power had been removed.

In the matter of annexation the sympathies of the citizens of this section were always with their kinsfolk in the United States. General Henderson and General Rusk were ardent advocates of the measure, as were most of the public men of East Texas. General Houston as President of the Republic was of necessity more guarded in his utterances, and refused to place Texas in the attitude of a suppliant for admission, a position which was justified by the prevalent opposition to annexation in the United States. An incident of the annexation campaign was a sort of long distance controversy between San Augustine and Milford, Massachusetts, where a mass meeting had been held, and resolutions adopted condemning the annexation of Texas. These were published in the *Red Lander* and provoked a spirited reply from Dr. John S. Ford.

As this opposition continued to defeat every effort to unite the two nations under one government, the patience of the people began to be exhausted, and even the annexation party began to assume a more independent attitude. On July 8, 1843, the *Red Lander* said that at first the friends of the administration did not understand the President and hesitated to follow him, but now it was easy to understand. "Instead of selling the country to Great Britain or being bribed by Santa Anna—it would seem that he has been laboring for the good of the country."

Perhaps this feeling which was beginning to find a place in the breasts of our people was most aptly expressed by the Rev. Francis Wilson, a prominent Methodist preacher, and founder of the Wesleyan College at San Augustine, in a lecture delivered in 1844 in Cincinnati and other Northern cities. He said:

> Brothers, we Texans reached over our hands and offered our lands and our country to you. We wanted our liberty tree to be one with yours, one government, one people, for we were anxious to be with you. You hesitate and parley till we may draw back from a brotherhood so unfeeling and dead to their interests; and we may form a connection that may make us troublesome neighbors, and we will say you alone drove us to these measures. You doubt our claim! Texas is ours by right of settlement, it is ours by occupancy and conquest, ours by the law of nations; nine years of independence have settled the matter for us. Texas could do better for herself than parley with Whigs and Democrats. She could defend herself against enemies, and she will do it. She could form treaties of commerce with nations who are able to help her,

and she will do it. If our treaty is now rejected . . . I shall take the field, and if I can wield any influence, I will advise Texas to build cities or states, call them after their own names, open a treaty on liberal terms with England, turn all our trade to her and she will bring this border war to an end, and our northern brethren will feel us many times, and we shall have a nation of millions of people, rich and happy through God who has fought our battles, and a clear conscience that we are right.

The opposition in the United States was chiefly on the part of the Whigs, and many of those Whigs who had come to Texas, were influenced by the attitude of their fellow partisans in the States. Such was Judge Ochiltree, who was an active opponent of annexation to the last. Other old Whigs, like Colonel S. W. Blount, abandoned the party and aligned themselves with the Democrats. On the whole, however, the real feeling of the people may be illustrated in a letter from Shelbyville on November 26, 1844, and published in the *Red Lander*. It reads as follows:

Mr. Canfield, Dear Sir:—If the signs of the times is any criterion to judge by, the popularity of Mr. Polk, Dallas and Annexation in this region round about here is unbounded. After the arrival of the *Red Lander* extra in town preparations were instantly made for the celebration of the evening. Directly after the approach of the evening shades all the old bells, horns, fiddles, tin pans, clevises and other musical instruments that could be paraded were in active motion by as many musicians. Shot guns, pistols and other things to make a noise were all set to work, until the deafening roar of fire arms, the ringing of bells, the beating of pans, the blowing of horns, and the occasional notes of the violin heard through the din of noise, made one believe that Ole Bull had visited the place, or that Beelzebub had appeared in our midst in the height of his prosperity, with his tail pointed and whiskers curled.

The question which provoked the greatest amount of discussion was the tariff. Texas was almost compelled to levy a tariff for revenue, for the reason that it was impossible to raise enough funds to pay the current expenses of the government in any other way. Direct taxation was out of the question because there was not enough actual money in the country to pay the light taxes that were levied. But there were many serious objections to the tariff, the chief of which was the inequality with which it bore upon the different sections of the country. The western counties charged that they were compelled to pay duties upon all imported goods that they bought, while in the East customs duties were generally evaded by smuggling, but still advocated a tariff as the easiest and most just form of taxation, and called for an enforcement of the law in the East and the abolition of smuggling. The East tacitly admitted the existence of the smuggling, and constantly worked for a repeal of the tariff law so that equal taxes might be imposed upon all and their collection enforced, and to this end they favored free trade.

In order to understand this situation it must be remembered that,

while there was a custom house at every port of entry along the Gulf coast, there was only one on the long stretch of the eastern border from the Red River to the mouth of the Sabine. This was at San Augustine, with a clerk at Nacogdoches to take care of the business there. This left an extensive border unprotected and practically open to the operations of smugglers, and meant that the other towns in East Texas could obtain goods from the United States duty free, while the merchants in San Augustine and Nacogdoches were compelled to pay the usual customs.

The difference between the two sections is illustrated by the fact that during the lifetime of the Republic of Texas, the ports on the Gulf coast collected a revenue amounting to $781,572.77, while the revenue from the ports of the eastern border amounted to only $89,580.20, a difference too great to be accounted for except by the free introduction of goods. The custom house at San Augustine, including the collection made at Nacogdoches, amounting to $62,105.90, a sum exceeded only by the ports of Galveston and Matagorda. As late as 1844 we find a protest signed by a number of the principal merchants in San Augustine and addressed to W. M. Hurt, customs collector, in which they set forth their grievances under the existing conditions and asked for a uniform enforcement of the law throughout the district. They declare that they do not object to the officer, or his acts, or to the payment of a tariff but they claim the right to protest against a law which is not and cannot be enforced, and whose partial enforcement injures only those who are loyal enough to pay.

The remedy which East Texas sought in this situation was at first free trade, and then as the necessity for some form of tariff became evident, a moderate tariff was advocated. In this controversy San Augustine, from its peculiar situation, became the natural leader of the anti-tariff forces. Her representatives from the first were free traders, and any modification of their views arose from the evident necessity of raising a revenue.

As early as the second Congress of the Republic Joseph Rowe of San Augustine proposed the abolition of the revenue district of Red River. On September 29, 1838, on motion of Kelsey H. Douglas, of Nacogdoches, a committee was appointed to draft a repeal of the tariff laws then in force. This effort to abolish the tariff was dropped later in the season, and a bill revising the law was introduced by a member from Bexar. In the third Congress we find the forces of the coast country added to those of the East in combating the tariff. Holmes of Matagorda introduced a bill to abolish or modify the present measures, and Kaufman of Sabine attempted to elude the provision for modification leaving the question solely on the abolition of the law.

The *Telegraph and Texas Register* was the chief advocate of free trade in the press at this time, and joined hands with the Eastern

members in fighting for that measure. The *Red Lander* had not yet come into being. The main reason advanced for the justification of its position was that the law could not be enforced and therefore bore unequally on those who loyally obeyed it.

Houston was relieved of the burden of the Chief Executive at the expiration of his first term as President, and was able to express himself more freely on all subjects, and now came out openly in favor of indirect taxation and a tariff measure. He was a member of Congress in the lower house from San Augustine and it is interesting to note that free trade measures were introduced during that time. In 1841 he was again President and in his annual message he explained his position as being in favor of a tariff system of indirect taxation, as against taxes levied directly by the government. His prestige was sufficient to carry the bill through to its final passage in January, 1842, but that it was not satisfactory to the people of the East was shown by the fact that John A. Greer, of San Augustine, was one of only two senators who voted against it, the other being Moore of Harris county.

In the summer of 1842 in the congressional elections, practically every member chosen east of the Trinity river was in favor of free trade and the repeal of the tariff laws. The *Red Lander* was exultant over the success at the polls of its favorite measure. The bill for repeal, however, failed of final passage by a tie vote.

By 1843 the East was beginning to be divided, and the *Red Lander* admitted the necessity of a tariff for revenue, but still contended for a change in the law which would make it more enforceable. Of the two representatives elected from San Augustine county, N. H. Darnell on December 18, 1843, introduced a bill in favor of a moderate tariff, while Richardson Scurry, who appears to have been an irreconcilable free trader, introduced one to repeal all tariff laws. Neither of these bills passed, but the committee to whom they were referred reported a substitute making a substantial reduction, which finally passed but was vetoed by President Houston. An attempt to pass the bill over the President's veto carried overwhelmingly in the house but failed to receive a two-thirds majority necessary for its passage in the Senate.

In 1844 the East was becoming more reconciled to the idea of a tariff, and in the election held in that summer the issue was pretty sharply drawn between free trade and a moderate tariff for revenue. The question was thoroughly debated, and the candidates stated their positions in their announcements. Henry W. Sublett of San Augustine in an extended announcement declared that he favored free trade, but was doubtful of its practical expediency at the time, hoping that the country would soon be in a position to adopt the measure. B. R. Wallace and John S. Ford advocated a moderate tariff and were elected. A similar result obtained throughout the East, and elsewhere in the Republic a majority of members was returned in favor of a

revision of the tariff making the rates lower. A bill was presented in the House reducing the rates appreciably and carried by a large majority, and after some modification was carried unanimously in the Senate. It was, however, vetoed by President Anson Jones on the ground that it made no provision for the expenses of the government. The vote of the Eastern members with three exceptions was in favor of the reduction.

Thus it will be seen that East Texas was the original home of the free trade doctrine in the Republic, and held consistently to that view until it became evident that some customs duties were necessary for the ordinary expenses of the government. They then opposed a high tariff, and with such success that on two occasions bills were passed reducing the existing tariff and only failed to become a law by the interposition of the executive veto. The opposition to free trade in the East appears to have been mainly in Red River and adjoining counties in the north where the doctrine of a moderate tariff prevailed. In this position the leaders of political thought in East Texas were more or less at variance with General Houston, who all along advocated a tariff high enough to provide ample revenues for the support of the government.

In this connection it may not be amiss to glance at the political machinery of that day. There were, of course, no primary elections, neither were there any general nominating conventions at which issues might be discussed and leaders chosen to represent them before the voters. The procedure may be illustrated by the case of General Rusk in 1843. General Rusk had never entered the political arena as a candidate for office. He held the position of Chief Jutsice of the Republic from February, 1839, till June, 1840, at which time he resigned, having held but one court. Thereafter he devoted his time to the practice of his profession in partnership with J. P. Henderson and K. L. Anderson. In the *Red Lander* of April 15, 1843, we read that "a large respectable meeting of the citizens of San Augustine and vicinity" was held in the court house at San Augustine. B. R. Wallace explained the purpose of the meeting: Richardson Scurry was elected chairman and J. B. Johnson secretary. General Thomas J. Rusk was then unanimously proposed as candidate for the presidency of the Republic, and a committee of fifty men was appointed to prepare resolutions and notify General Rusk of his nomination. A little later Shelby county followed with a similar action. About the middle of May a meeting was held at Nacogdoches for the same purpose. In the first part of July General Rusk issued a letter declining the nomination. In the same paper we find Abner S. Lipscomb announced as candidate, followed in a few weeks by the nomination of Anson Jones, in a public meeting in San Augustine. Jones was elected in August, and at the same time Kenneth L. Anderson was elected Vice-President. The adherence of East Texas to his support, together

with the candidacy of one of its own men as his running mate would seem to have been the deciding factor in the election of the ticket.

The same course seems to have been followed in the case of county and district officers both civil and military, and when a man ran for office he literally "put himself in the hands of his friends" or in some instances his friends took charge of him without permission. When he was willing to run, the candidate modestly announced that he "yielded to the solicitations of his friends." Otherwise he declined, having, perhaps, some better thing in view. In cases, however, where he did not find himself sufficiently urged the candidate would boldly announce his name as an aspirant for office, and seek the support of the populace.

CHAPTER XXXI

THE SETTLEMENT OF THE PUBLIC DEBT OF THE REPUBLIC

By E. W. Winkler

[This brief selection from Johnson, *Texas and Texans,* I, 500–503, describes the settlement of the debt of the Republic. E. T. Miller, *A Financial History of Texas* (University of Texas Bulletin), 18–82, gives the financial history of the Republic in great detail. Read: Barker, Potts, and Ramsdell, *A School History of Texas,* 157–169.]

At the time of annexation Texas owed between eight and ten millions of dollars. The interest on this debt had never been paid, hence it was growing rapidly. The only resource Texas had with which to pay the debt was the public lands, which, by the terms of annexation, were dedicated to this purpose.

At the session of the first legislature a committee was appointed to consider ways and means for paying the debt. In its report, dated March 1, 1846, it said:

> Your committee are confident the people of Texas feel keenly the weight of this obligation, and are anxious to meet it. . . . Unfortunately, however, for Texas . . . her population has not increased with the rapidity which might have been anticipated from the salubrity of her climate and the fertility of her soil. Her resources and ability for raising revenue from direct taxation cannot, for many years to come, exceed the urgent and indispensable wants of her domestic administration. Nor can it be denied that annexation, however important and advantageous to the country in other respects, has, by destroying the revenue arising from the customs, taken from us a growing source of revenue, which might in a short time have afforded efficient means of providing for the public creditors. However strong, therefore, may be the desire of the country to provide for its creditors, it has no ability of doing so except through the means of public lands.

Sale of the public lands to the United States was recommended, but the United States probably did not care to buy.

The committee commented on the character of the debt; they said: "The fact that the debt was contracted during a revolutionary struggle constitutes no reason . . . why we should not pay it in honesty and good faith. They, nevertheless, think that she should be bound to return to the public creditors only what, according to just average, they paid her for her securities, with the rate of interest stipulated in

the bond or other evidence of debt." Here is a suggestion for reducing or scaling the debt, which evoked protests from the creditors and of which we shall hear more in tracing this subject.

An act was approved March 20, 1848, "to provide for ascertaining the debt of the late republic of Texas." The holders of claims were required to lay them before the comptroller and auditor, and those officials were directed to classify them and reduce them to the actual par value which the republic realized. By another act it was provided that the creditors might exchange their claims, as determined by the auditorial board, for land certificates at the rate of fifty cents an acre. Land certificates, however, were at that date selling for much less than fifty cents per acre, consequently very few creditors settled their claims on this basis.

In the meantime the subject of the Texas-New Mexico boundary had come to the front in Congress, and through the skillful management of the Texas creditors the settlement of the public debt became inseparably connected with it. Texas had twice pledged herself to care for her public debt. At this time she was not trying to evade her obligations, but she insisted on having her own way in settling her own business. However, for a portion of the Texan liabilities the income from import duties had been specifically pledged. Through annexation these duties inured to the exclusive benefit of the United States. Certain members of Congress argued that a transfer of the security carried with it responsibility for the debt. This view was acquiesced in by a sufficient number in Congress to cause to be inserted in the boundary act a provision that five millions of the bonds, issued to Texas in consideration of the loss of land suffered in adjusting the boundary, should be retained in the United States treasury in order that the United States might be enabled to take receipts from the creditors whose claims were secured by a pledge of the customs duties and thus protect herself for the future. Of course, the bonds were Texan property, and could be paid out only on orders from the Texan government. The state agreed to this arrangement, although the guardianship assumed by the United States was extremely distasteful to many.

The fact that Texas was thus quite unexpectedly placed in possession of means apparently ample to satisfy all her creditors caused great activity among the latter. The protests against the scaling of their claims became voluminous. On the other hand, Texas experienced all the sensations resulting from suddenly acquired wealth, and, no doubt, many citizens occupied much time in planning ways of spending it in the upbuilding and enrichment of the state.

A second five millions in United States bonds were turned over to Texas early in 1852. Promptly an act was passed, January 31, 1852, "providing for the liquidation and payment of the debt of the late republic of Texas." This act appropriated two millions of dollars

of the bonds in the state treasury for the payment of that portion of the public debt, as reported by the auditorial board, and accrued interest thereon, which was not secured by the revenues from import duties. The act further appropriated the five millions of dollars in bonds retained in the United States treasury to pay that portion of the public debt, as reported by the auditorial board, and accrued interest thereon, which was secured by the revenues from import duties. The payment of these last mentioned claims, however, was to be suspended until such time as the United States shall have turned over to Texas the whole of the five millions of dollars in bonds retained, in exchange for releases from the creditors, or portions of said bonds equal to the sums for which the state may present the required releases from any portion of the creditors. Under this act the domestic debt was promptly paid, but for reasons stated in the next paragraph the revenue debt remained unpaid for more than four years.

The secretary of the treasury of the United States interpreted the boundary act as specifying that *all* the creditors of Texas, whose claims were secured by the revenue, must file their releases before *any portion* of the bonds retained could be issued to Texas. In addition to this, the secretary of the treasury construed the laws of Texas relating to the public debt in such a way as to extend the security of customs duties to a much larger quantity of liabilities than the officers of Texas had ever considered as coming within such guarantee. These constructions of the secretary of the treasury made it impossible to meet the conditions prescribed in the boundary act.

There were over 1,600 creditors from whom releases were to be obtained. Some filed their releases promptly, but others refused to do so because Texas had scaled their claims. Their action delayed the payment of all. Since it was the act of the United States that kept the creditors from receiving their money, they petitioned Congress to amend the conditions of the boundary act so as to permit the payment of those claims for which the corresponding releases had been signed. However, those members of Congress who emphasized the responsibility of the United States for the payment of the revenue debt of Texas opposed such an amendment because it implied acquiescence by the United States in the scaling that Texas had done. But, in view of the construction placed upon the laws of Texas relating to the public debt by the secretary of the treasury, the five millions of dollars in bonds retained in the treasury were by no means sufficient to pay the secured claims at their face value. The matter having been complicated in this manner, the subject was permitted to drag through several sessions of Congress to the great injury of those creditors who were willing to settle for their claims. The revenue debt was finally disposed of by an act of Congress approved February 28, 1855. This act appropriated in lieu of the five millions in bonds, retained in the United States treasury, the sum of $7,750,000 cash, to be apportioned

among the creditors pro rata. Before this could go into effect the legislature of Texas was required to give its assent to the act, and to "abandon all claims and demands against the United States, growing out of Indian depredations or otherwise." The five millions in bonds, principal and interest, were estimated to amount to $6,500,000. The additional $1,250,000 was allowed to set off a claim of $3,800,000 preferred by Texas against the United States for depredations committed by United States Indians in Texas since 1836.

Governor Pease submitted the act of Congress to the voters of Texas for approval or rejection, as Governor Bell had done in the case of the boundary act. "There was powerful opposition to its acceptance, led by some of the ablest men in the state." However, only 25,427 of the 45,000 who participated in the election expressed themselves in regard to this act; 13,818 voted to reject. The governor did not consider this vote a fair test of public opinion, and, therefore, urged the legislature to give its assent to the same. The friends and opponents of this measure were so equally divided that the result remained long in doubt," but it was finally carried, the votes in both the house and the senate being very close. The act received the governor's approval February 1, 1856. The principal objection to the act seems to have been the condition requiring that the creditors of Texas be paid at the United States treasury. The scaling that Texas had done, while not adopted *in toto*, was followed in principle, for the amount appropriated, $7,750,000, had to satisfy claims aggregating the sum of $10,078,703.21. The pro rata was nearly 76 9/10 cents on the dollar. The comptroller of Texas was sent to Washington to inspect and verify all claims presented for payment in order to protect the state against frauds.

Thus, in the manner described, Texas discharged her debt without resort to taxation. After paying the debt, a considerable surplus remained in the state treasury, and was subsequently spent for public improvements.

CHAPTER XXXII

THE FINANCES OF TEXAS, 1846–1861

By Edmund Thornton Miller

[From Professor E. T. Miller, *A Financial History of Texas*, 83–93, 133, University of Texas Bulletin, July, 1916. This selection continues the preceding one by Mr. Winkler describing the settlement of the debt of the Republic. Portions of Professor Miller's treatment here omitted discuss special funds and the various sources of the state's revenues.]

The State, 1846–1861

In the general election held in September, 1836, to ratify the constitution of the republic and to elect the national officers, the voters of Texas declared themselves almost unanimously in favor of annexation to the United States. Owing mainly to the slavery question, however, the desire of Texas was not at this time reciprocated. In 1843 overtures were again made and a treaty of annexation was signed, but was rejected by the United States Senate in June, 1844. The expedient of a joint resolution was then adopted by the friends of Texas in Congress, and on March 1, 1845, the United States proposed annexation. President Jones of the republic called a convention, which on July 4, 1845, passed an ordinance accepting the proposal of the United States, and this ordinance and the constitution for the new state which had been framed by the convention were ratified by a popular vote on October 13, 1845. Annexation was consummated by the joint resolution of the United States, December 29, 1845; and on February 19, 1846, President Jones turned over the government of the republic to the officers of the new state. The first chapter of the state's financial history ended in 1861, when secession took place and a war was entered upon which prostrated the finances of the state and the general economic life of the state for many years to follow.

Texas shared with the rest of the United States the great prosperity and material development which characterized the years 1846 to 1857. About the time of annexation, population numbered roughly 135,000; in 1850 it had increased to 212,592, and in 1860 it was 604,215. In 1850 the per cent of the total population that was negro was 27.54; in 1860 it was 30.1. The white population of the

state increased 173.24 per cent in the decade 1850-1860; the rate of increase of the slave population was 213.89 per cent; while the total population increased 184.2 per cent. Thus, while the population of the state grew prodigiously between 1850 and 1860, the large negro element minimized the value of the growth.

The population of the state was almost wholly rural. Galveston was the leading town in 1850 with a population of 4,177; San Antonio was next with 3,488; Houston was third with 2,396; New Braunfels was fourth with 1,298, and Marshall was fifth with 1,189. The total number of people in the twenty-three Texas towns listed in the United States Census of 1850 was only 20,209. Only five of the twenty-three towns had over one thousand inhabitants. Counting as urban the population of all the towns, the per cent of the population of the state that was urban was 9.5. The population was spread very thinly over the state, there being on the average in 1850 only eight-tenths of a person to the square mile. By 1860 the average density of population was 2.3 persons to the square mile. There was practically no increase in the urban proportion of the population between 1850 and 1860. In 1860 San Antonio was the leading city with 8,235 inhabitants; Galveston was next with 7,307; Houston was third with 4,845; and Austin was fourth, with 3,494. The United States Census of 1860 lists forty-two cities and towns with a total population of 59,651. Their population was 9.8 per cent of the total population.

Population continued to follow rather closely the navigable waterways, but transportation was nevertheless largely by means of the ox wagon. Railroad building began before the middle of the fifties, but the towns affected by it were comparatively few and were on or near the coast. The number of miles of railroad in operation was 32 in 1854, 40 in 1855, 71 in 1856, 157 in 1857, 205.5 in 1858, 284.5 in 1859, and 306 in 1860. The estimated cost of construction of the 306 miles was $11,232,345.

Agriculture was practically the sole occupation of the people as was shown by the large per cent of the population that was rural. In 1850 the number of acres of improved land in farms was 643,976, and the number of acres of unimproved land in farms was 10,852,363. In 1860 the respective amounts were 2,650,781 and 22,693,247. Though agriculture was almost the sole occupation of the people of the state, the farm area was only 6.8 per cent of the total land area in 1850 and 15.1 per cent in 1860. The balance of the land area was unoccupied and uncultivated, but it was owned either by the state or by land speculators. The cash value of the farms in 1850 was $16,550,008, and in 1860, $88,101,320. The value of farming implements was $2,151,704 in 1850, and $6,259,452 in 1860. The value of livestock was $10,412,927 in 1850, and $42,825,447 in 1860. Cotton was the principal crop, and corn was the second crop in importance. There were 58,072 bales of cotton of 400 pounds each produced in 1849, and

431,463 bales in 1859. The average price per pound for upland cotton was 12.3 cents in 1849, and 11 cents in 1859.

Manufactures were either brought in from outside of the state or were made in the home, though there were some local manufacturing establishments. In 1850 there were 309 manufacturing establishments, including shops doing custom's work and repairing, with a total annual product valued at only $1,168,538. In 1860 there were 983 establishments, whose annual product was valued at only $6,577,202. The value of home manufactured products was $266,984 in 1850, and $584,217 in 1860.

Though diversification of industry was yet to come and though most people depended on the ox wagon, population was increasing rapidly, agriculture was flourishing and the state as a whole was prospering.

The finances of this period will be treated under the topics, Expenditures, School Funds, Receipts, and Public Debt.

Expenditures

The history of expenditures to 1861 may be divided into the two periods, 1846–1851 and 1852–1860. Down to 1852 the policy of economy followed during the last years of the republic was continued. Annexation relieved the state of the duties having to do with foreign intercourse, an army, a navy, and a post service, and until 1852 no new duties were undertaken, nor was the scale of performance of the old ones enlarged. The largest items of expense down to 1852 were the judiciary, the legislature, and the administration of the general land office. Together they made up about 60 per cent of the total expenditures. The judiciary had been scantily paid during the republic, but after 1845 salaries were increased. Frequent sessions of the legislature were called for in order to enact the statute laws for the newly organized state, but until 1850 there were only three sessions of about three months each. In 1850 the question arose as to the settlement of the northwest boundary dispute with the United States, and thereafter special sessions multiplied. Though they were of brief duration, the mileage expense was a large item. Legislative expenditures constituted about 12 per cent of the total expenditures of the period. The general land office was the most costly of the departments of general administration, and receipts from lands did not counter-balance the expenditures.

Until 1852 the state was dependent on taxation for revenue, but in 1851 there came a windfall in the form of the five million dollars of United States bonds which were a part of the payment by the United States for the cession of the northwest territory and for the relinquishment by Texas of certain claims against the United States. The first claim upon these bonds was regarded to be that part of the

debt of the Republic of Texas which was not subject to payment out of the United States Treasury. Payment of this debt was begun in 1852 and continued throughout the period. It constituted by far the largest item of expenditure, being about 23 per cent of the total.

The use to which the remainder of the bonds should be put vexed the public mind and was a good test of the sanity of the early Texans. There was more than four million dollars available. Some advocated its use for internal improvements, others for education, while others believed it should be kept as a fund, the interest from which would be sufficient to meet the ordinary expenses of the state and thus relieve the people from taxation. $2,000,000 of the bonds was given to the general school fund, $100,000 to the university fund, and the remainder was used to meet the current expenditures of the state. The taxes that would have been collected for the state purposes were relinquished from 1852 to 1858 to the counties and used by them to pay their debts, to build courthouses and jails, and to meet county expenses for other objects. The relinquishment did not benefit equally all the counties, but, in general, the end sought was attained, and as late as 1879 the bonded debt of Texas counties was only $2,030,907. But the use of the bonds in paying the ordinary expenses of the state government—which was necessitated by this relinquishment policy—was very poor financiering, and there is little doubt but that the benefit to the state would have been greater if the bonds had been used to endow further the school and university funds. On August 31, 1860, there was to the credit of the general revenue account only $50,000 of the bonds, and these were a part of the $100,000 borrowed from the university fund. Thus by 1861 not only had all the bonds not reserved for the two trust funds been expended, but those even in one of the trust funds had been borrowed. This occurred during a period when the population and wealth of the state were growing rapidly. Expenditures, while liberal, were not extravagant, and the explanation of the plight of the bonds lies rather in the revenue policy followed. After 1853 the salaries of those in the service of the state were increased, but $3,000 for the governor and the supreme court judges, $2,250 for district judges, $1,800 to $2,000 for heads of departments, and $900 to $1,200 for clerks were not unreasonable compensations.

An item of extraordinary expense which became important in 1852 and remained so thereafter was frontier defense. The Indians had been comparatively quiet up to that time, but as they were then being pushed farther and farther west, the outposts of the white settlements experienced their resentment. The state maintained mounted troops on the frontier at a heavy expense in order to protect the settlements. The expenditures for this purpose during the four years 1852–1855 amounted to about $95,000, and the claim against the United States for this amount was relinquished in accordance with the act of Congress of February 28, 1855. From 1856 to 1861 over $375,000

was expended for this purpose, and it was on this account that the $100,000 of United States bonds belonging to the university fund was borrowed in 1860. The seriousness of this expense as a drain upon the treasury may be best understood by the fact that it constituted in 1860 more than 24 per cent of the expenditures. The Indians were the charges of the United States and that government was financially responsible for them, but Texas was not reimbursed for her expenditures for frontier defense until 1906.

The state penitentiary was the object of increased appropriations from 1852 to 1858. It was enlarged, and as an adjunct to it a factory for the manufacture of cotton and woolen goods was built and equipped in 1854. The policy of leasing the convicts in order to reduce their expense to the state was also considered, but was not adopted. The net expense of the institution decreased after the factory got into operation, and during the Civil War the factory was a most important auxiliary of the government.

Until 1856 the state made no provision for the insane, the blind, or the deaf and dumb, but in that year buildings and maintenance were authorized for each of these, and each of the institutions was endowed with 100,000 acres of land.

Expenditures for public buildings increased after 1852. A new capitol, governor's mansion, land office building and treasury building were erected. They were modest buildings, for the cost of constructing and furnishing all of them did not exceed $270,000.

Expenditures of minor importance were for pensions and for what may be called industrial purposes. No general pension law was enacted, but cases of soldiers and seamen disabled in the Texas revolution or in the service of the Republic of Texas were dealt with individually. Industrial expenditures were for the taking of the state census, and in 1858 for a geological and agricultural survey of the state. Public printing increased in cost after 1851, mainly because of the increased volume of printing.

Expenditures so far considered related to state duties of unquestioned legitimacy. The policy that should be followed in regard to internal improvements, however, was the subject of a vigorous controversy. During the republic four railroads were chartered, but the aid granted to them was only their right of way over the public domain, and not one was built. It was not unusual to find in state constitutions which were drawn up at about the time Texas adopted hers a provision that enjoined encouragement to internal improvements. A similar injunction was lacking in the Texas Constitution of 1845, and the only provisions relating to the subject were that no appropriation should be made for internal improvements without the concurrence of two-thirds of both houses of the legislature, and that the state should not be part owner of the stock or property belonging to any corporation. During the first years of statehood railroad

companies were chartered, but no construction took place, and the charters were forfeited. No subsidies were given, foreign capital was timid, domestic capital was both scarce and otherwise more profitably employed, population was sparse, the traffic in sight small, and distances to be covered were great. The failure of unaided private enterprise down to 1852 to provide means of transportation forced the question of state assistance to the forefront of public questions.

The method of state assistance first adopted was the donation in several special chartering acts of eight sections of land for each completed mile of road. Previously, in 1850, statutory permission was given the cities and counties along the route of the proposed San Antonio Railroad to subscribe to its capital stock. The city of San Antonio and Bexar County each subscribed $100,000, and these were the only municipal subsidies given in Texas before the Civil War.

The imagination of the public was kindled by the receipt by the state of the $5,000,000 of United States bonds; and in 1852 public meetings and conventions began to be held to discuss the subject of internal improvement. During the years from 1852 to 1856, which was a period of discussion, three plans for securing a system of improvements were presented. One was called the "State Plan," and was championed by Governor Pease. It comprehended a system of railroads, canals and river improvements. The railroads were to be built and owned by the state, but leased for private operation. The funds for construction were to be raised through the sale of state bonds, and the interest on the bonds was to be met by a direct tax, until an amount sufficient to meet the interest should be realized from the sale of the public lands or from the profits on the constructed works. The advocates of this plan thought that by it the state would secure during the next fifteen years internal improvements valued at from twenty-five to thirty million dollars. "No argument against the practicability of the plan here presented," said the governor, "can be drawn from the experience of other states, which have attempted a system of improvements, because none of them have attempted a system like this."

Another plan was called the "Iron Policy." It was so called because it proposed the investment of the school fund in railroad iron which was to be loaned to the roads. Governor Pease regarded this plan as the alternative to the "State Plan." The third plan was called the "Loaning System," and was the plan to invest the school fund in the bonds of railroad companies. The "Loaning System" was approved by the convention called to consider internal improvements which met in Austin, July 4, 1856, and in which twenty-six counties were represented.

It was pointed out that the experience of other states with internal improvements had been "enormous expenditures on unprofitable

works, State debts, repudiation, and finally ruinous taxation." This experience was heeded, and the "State Plan" and the "Iron Policy" were rejected. The policy adopted was, first, to donate to each railroad sixteen alternate sections of land for every mile of completed road, the land to be surveyed in sections of 640 acres at the expense of the road; second, to loan for ten years at six per cent interest the United States bonds belonging to the school fund to railroad companies chartered by the state, at the rate of $6,000 for each mile constructed, the loan to be secured by a first lien upon the property of a road; third, to appropriate $300,000 out of the state treasury for the improvement of the navigable rivers, bayous, lakes, and bays of the state, and for the construction of canals. The act carrying this appropriation imposed the important conditions that the maximum amount to be given to any one river project should be $50,000, and that no aid should be given unless there was raised by private subscriptions a sum equal to one-fifth of the amount asked of the state. Some eighteen contracts were entered into, and by the end of the fiscal year 1863 the appropriation of $300,000 was exhausted. It is difficult to believe that the amounts expended accomplished anything. Texas rivers apparently were no more permanently navigable before the Civil War than they are today, for it was proposed in 1856 that $100,000 should be expended on digging a number of artesian wells at the heads of all Texas rivers in order that they might be supplied with water. Any improvements in the rivers which may have been effected as a result of this state assistance was suffered to be lost during the years of the war and the Reconstruction.

Expenditures of a character different from the above were those for education and the public debt, and these will be treated in connection with the school funds and the public debt.

Summary

The first period of statehood began and ended with the general treasury in financial difficulties, and but for the opportune receipt of the $5,000,000 of United States bonds and the assumption of the payment of the revenue debt of the republic by the United States the treasury would probably have been in dire straits throughout the entire period. As it was, however, the receipt of the bonds enabled the state during eight years out of the fourteen of the period to pay a large and harassing debt, to endow the school fund generously, to construct public buildings, to meet the ordinary expenses of the government, to aid in the construction of railroads, and to administer the vast public domain not with a view to revenue but so as to encourage the growth of population and the material development of the state. The indemnity bonds were the key to the expenditure and revenue policies of the period, and their influence was felt in later periods.

Inasmuch as the general treasury was greatly assisted prior to the receipt of the bonds by the revenue accruing under the laws of the Republic of Texas, the state government was supported throughout the first period of statehood not from taxation but from extraneous sources—from windfalls. The result was that the people of the state did not become accustomed to taxation as a method of supporting the government, and a habit of depending upon other sources was thereby fostered. The beginnings of this habit had really been made during the period of the republic, because the republic lived on credit.

The purely agricultural character of the population and the frontier condition existing throughout the state were reflected not only in the general attitude towards education but also in the expenditure, revenue and debt policies. There was a tendency to confine expenditures to the support of the narrow protective functions of government; poll and occupation taxes which would fall on those engaged in business were popular, and the scaling of the debt was a widely approved policy.

CHAPTER XXXIII

THE HISTORY OF A TEXAS SLAVE PLANTATION, 1832–1863

By Abigail Curlee

[This selection is a history of the operation of a small plantation, Peach Point, a few miles above the mouth of the Brazos River. The plantation was owned by James F. Perry, the second husband of Stephen F. Austin's sister. The Perrys arrived in Texas in 1831. The Peach Point plantation was opened in 1832. It was James F. Perry's home until his death in 1853, and is still owned by his descendants.

This article is written mainly from the Plantation Record Book and the Plantation Day Book. These books were given to the University of Texas by Mrs. James F. Perry and her son and daughter-in-law, Mr. and Mrs. Stephen S. Perry, of Freeport, Texas. The article is the most complete history available of a Texas slave plantation. It is published in full in *The Southwestern Historical Quarterly*, XXVI, 79–127.]

I. General Description of Agriculture in Texas, 1831–36

When Perry came to Texas, the country was sparsely settled from Bexar to the Sabine River. West of Bexar and extending to the Rio Grande, the country was unsettled. He found agricultural methods crude and good implements scarce. The people were, as a rule, living in log houses and cultivating the river bottom land. The bottom lands had to be cleared of timber or of cane. Mrs. Holley said that this cane land was prized, because it was rich alluvial soil. The cane-brakes could be cleared by burning the dead reeds. If the cane land was not cultivated, the cane was valuable as food for cattle and horses in winter, being young and tender when the grass was dead. The prairie lands were generally considered more suitable for grazing than farming. As late as 1850, it was the belief that the timbered portions of Texas were best adapted to agriculture. The vast prairies were regarded as valueless except for grazing and stock raising. Also it was an axiom that farming could not succeed west of the Brazos. Abundant pasturage was afforded on the thin and sandy coast land for stock of all varieties.

In 1834 the country was divided into the three political departments of Bexar, Brazos, and Nacogdoches. The Bexar Department was largely peopled by Mexicans. Almonte says there were no negro laborers here. All the provisions raised by the inhabitants were consumed in the district. The wild horse when caught was cheap. Cattle

were cheap, a cow and calf being considered equal to ten dollars. This was the condition all over the colony. Mrs. Harris said that there was little money in Texas. Her father received cattle and hogs in lieu of money for his practice as a physician, a cow and a calf passing as ten dollars. In the Bexar region there were only five thousand or so head of sheep. They exported from eight to ten thousand skins of various kinds, and imported a few articles from New Orleans.

The Department of the Brazos was the section that Perry was interested in, for it was here that Austin's Colony was located. San Felipe, Columbia, Matagorda, Gonzales, and Mina were the five municipalities of this department and in addition there were considerable towns at Brazoria, Harrisburg, Velasco, and Bolivar. Almonte estimated the population of the department at eight thousand, of which he thought one thousand were slaves.

Almonte said that around 2,000 bales of cotton had been exported from the Brazos in 1833,[1] while Austin, who left Texas for the City of Mexico in April of 1833, had estimated that the crop for that year would be 7,500 bales. But there had been a big overflow in 1833, which had cut down the crop after Austin's estimate was made. Almonte said that five thousand bales had been exported in 1832. The maize crop in 1833 was over fifty thousand barrels, but none was exported. The cattle of the department Almonte set down at about twenty-five thousand head. The market cattle were driven to Natchitoches for sale. The cotton of the Brazos was exported to New Orleans and returned from 10 to 10½ cents per pound after paying 2½ per cent duty in New Orleans. No sheep were raised here, but there were probably 50,000 hogs in the district.

Almonte calculated that the trade of the department had reached $600,000 based on the production of 1832. The 5,000 bales of cotton would bring in $225,000, and 50,000 skins would be $50,000, totaling $275,000, while the sale of cattle and hogs would bring the total to this figure, $600,000. This report estimated the imports at $325,000. Austin's report gave this district a large number of gins and mills, setting down in the municipalities of Austin and Brazoria thirty cotton-gins, two steam sawmills and grist mills, six water-power mills and many run by oxen and horses. There was one water-power mill for sawing lumber and running machinery in Gonzales.

The Department of Nacogdoches contained four municipalities, Nacogdoches, San Augustine, Liberty, and Jonesboro, with a population of nine thousand, one thousand of this number being negroes. Besides the municipalities there were four other towns in this district: Anahuac, Bevil, Teran, and Teneha. This section was not as well developed as it should have been, Almonte thought. He somewhat

[1] Colonel J. N. Almonte made an inspection of Texas for the Mexican government in 1834. A translation of his report is published in the *Southwestern Historical Quarterly*, XXVIII, 177–222.

unfairly attributed its backwardness to neglect and indifference of the empresarios. As a matter of fact, it was primarily due to restrictions of the federal government.

The trade of Nacogdoches was estimated by Almonte to be $470,000. The exports were estimated at 2,000 bales of cotton, 90,000 skins of deer, otter, and beaver, and 5,000 head of cattle, equal in value to $205,000. There was an excess of $60,000 of imports over exports for the year, which fact Almonte accounted for by the stock in the stores of the dealers.

There were twice as many cattle in this department as in that of the Brazos, but the price of cattle per head was the same. There were sixty thousand head of swine, which would soon furnish an article of export.

Almonte and Austin are both indefinite as to the number of gins and mills in this section. Austin said: "The municipalities of Liberty and Nacogdoches are very well provided with mills and gins, and there is great progress in this industry in all parts of Texas."

As to transportation of their products, Austin mentioned a steamboat in the Bay of Galveston. He also indicated that a company had been formed to bring one to the Brazos river. Apparently this plan was realized, for the next year Almonte reported a steamboat plying on the Brazos and two others expected for the Neches and Trinity rivers. An item in the *Telegraph* in 1836 reported that another steamboat, the *Yellow Stone,* had arrived to run on the Brazos. Plans for bettering the roads were going forward with rapidity, although the roads were described as fairly good as they were.

The statistics of both Almonte and Austin are open to question. Almonte's two months' tour was too brief for a comprehensive understanding of conditions, and Austin, although better informed than Almonte, may have exaggerated in the effort to make a strong case for Texas in its application for statehood.

The labor on Texas farms was done by the farmer and his slaves, if he owned any. The Texans were slave holders, but not on an extensive scale. Large plantations with a hundred or more negroes did not gain the foothold in Texas that they had in the old South. One negro family was more often the rule than a crew of fifty slaves. The farmer ordinarily worked side by side with his slaves. Colonel Jared E. Groce had about a hundred negroes, the largest number owned by one man in Texas prior to the revolution. It was estimated in 1836 that there were 5,000 negroes in Texas, 30,000 Anglo-Americans, 3,470 Mexicans, and 14,200 Indians. The estimate of 5,000 negroes is a rather large increase over the 2,000 in Almonte's report, although there had been a rapid immigration in the latter part of 1834 and throughout 1835. Absentee ownership did not exist in Texas, nor was there much free labor for hire. At this early date land was so cheap and so easily obtained that even the poor man had an opportunity to obtain a farm where he could make a living

with a minimum amount of labor. It was the custom for neighbors to exchange labor. The work was often long and hard; and the returns, as now, were not always commensurate with the labor. Crude methods of cultivation, overflows, and drouths were the principal causes of poor yields.

All authorities agreed that cotton was the most extensively cultivated crop and the best adapted to the soil. The statistics of Almonte and Austin bear this out. . . .

Cotton was planted late in February or early in March and it was ready for the first picking by the last of July or the middle of August, according to the season. Frequently they were picking as late as December.

Indian corn or maize was the staple food for man and beast. As late as 1856, Frederick Law Olmstead complained of the steady diet of corn-bread and bacon, which was set before him in his journey over Texas. Two crops of corn were sometimes planted and harvested. The first one was planted about the middle of February, after there was little danger of a freeze, and harvested in the summer; the second crop was planted in June for fall harvesting. Mrs. Holley stated that seventy-five bushels to the acre had been gathered, but that this was not the rule, as the farmers did not put enough labor on the corn crop to produce that amount. Most of the crop was required for home consumption. The *Texas Gazette* of May 22, 1830, republished a chapter of a book which stated that the "produce of last season consisted of 1,000 bales of cotton, 150,000 bushels of corn, and 140 hogsheads of sugar." The cotton was mostly shipped to New Orleans, and the surplus corn and other products to Matamoros, Tampico, and Vera Cruz. This article declared that wheat, rye, oats, and barley were grown to some extent in the undulating districts, where they yielded abundantly, but that the scarcity of mills and the low price discouraged their production. Austin, on the contrary, reported: "The sowing of wheat has not progressed so much, because the climate is not suitable for this grain in the settled region near the coast."

If the farmer had sufficient force and suitable land, he usually tried his hand at raising sugar-cane and manufacturing sugar and molasses. According to Mrs. Holley, sugar-cane was beginning to be cultivated extensively in 1836. She described Texas cane as superior to that of both Arkansas and Louisiana. In 1849 the *State Gazette* reported the average yield on a Brazos plantation to be half a hogshead to the acre, estimating 1,000 pounds to the hogshead. The system of cultivation was not so advanced as in Louisiana.

Tobacco and indigo were indigenous plants, but under Mexican law the tobacco trade was a state monopoly and production was restricted. Indigo was little cultivated. It was manufactured in families for domestic use, and was preferred to the imported indigo.

Sweet potatoes were extensively cultivated upon the drier prairies. Melons abounded everywhere. Beans, peas, Irish potatoes, and a variety of vegetables were grown in the gardens. The Texans usually had a fall and winter garden as well as a spring and summer one. In 1830 James Hope, "gardner and seedsman," was advertising his Connecticut garden seed and his fruit trees at San Felipe. Fruit trees produced abundant crops.

Stock raising was commonly considered to bring the largest returns with the least expenditure of time and effort. Austin did not attempt to estimate the number of cattle in his report of 1833. An editorial in a contemporary newspaper summed up the whole matter in this comparison:

> Corn, sweet potatoes, butter, honey, and every article of subsistence are in demand at this place and bring a good price. Corn is worth $1.50 per bushel, and butter 25 cents per lb. The farmer or planter without the resources for acquiring a strong force (say 50 hands) to engage in sugar making may turn beneficially his attention to the planting of cotton with from 5 to 20 hands; and we know several who successfully undertake this branch of agriculture with no other aid than the white individuals of their own family; if, however, he prefer a more easy mode of living, he may raise horses, mules, horned cattle, or hogs.

Mrs. Holley at the same time discussed stock raising as follows:

> The extensive natural pastures found in the prairies furnish peculiar facilities for rearing horses, black cattle, hogs, sheep and goats. They require no attention but to be branded and prevented from straying too far from home and becoming wild. Large quantities of mules are raised annually, many of which are carried to the United States; and it proves a very lucrative business, inasmuch as the labor and expense in rearing them are trifling and the price they command good. . . . In many parts of Texas, hogs may be raised in large numbers on the native mast. Acorns, pecans, hickory-nuts, etc., with a variety of nutritious grasses and many kinds of roots, afford them ample sustenance during the year.

Beef, hides, milk, butter, pork, lard, poultry, and lumber were some of the products of Texas besides the products of the soil. An article in the *Telegraph* says in 1835 that many of the settlers counted their herds by the hundred; and that great numbers of cattle were annually purchased and driven to New Orleans by drovers who visited the country for that purpose.

On the whole the people seem to have lived on what they had their slaves produced. Land was so cheap and fertile that they made no effort to conserve the soil, but planted the same crops on the same land year after year.

II. Life on the Plantation

The Peach Point Plantation was opened in December, 1832, west of the Brazos river, ten miles below Brazoria. The conditions the

first year were unhappy. Cholera and malaria scourged the settlements in 1833, and a letter from Perry to Austin describes their effects:

> Our family has not been entirely clear of sickness since June and part of the time scarcely enough well of either servants or whites to wait on the sick and at the worst of our sickness there was not a Physician could be had or a neighbour to call to see us.
>
> With regard to our crops and improvements we have done verry little since the middle of June as the blacks were all sick as well as ourselves—we made a good crop of corn and pumpkins about 8 or 900 bushels of corn and plenty of pumpkins. We planted 13 acres of cotton the last week in June which bid fair to do pretty well but the early frost has injured it much. As it had not commenced opening we do not expect much of a crop. Cotton is now a fine price in N. O. from 16 to 18 cts. There is fine crops in this neighborhood and I am told all over the colony where the overflow did not injure it.

Since the Day Book did not begin until 1837, and the first crop recorded in the Record Book is that of 1838, there is an interval of four years to be bridged over. This gap can only be spanned by Perry's correspondence. His expectations of good crops for 1834 as forecast in a letter to Austin did not come true. In January, 1835, he reported that the cotton crop had been very small. This was partly due to small acreage, incident to opening the plantation, and in part was due to ravages of cotton worms, which destroyed about one-third of the crop. Such cotton as he harvested Perry shipped to New Orleans and sold for sixteen cents a pound. To his factors he wrote: "The cotton crop in this country was verry fine with the exception of some 5 or 6 plantations in my neighborhood which was destroyed by the worms."

It will be recalled that Perry had settled at Chocolate Bayou before moving to Peach Point. Evidently there was some question as to the advisability of closing out the establishment there, for Austin wrote Perry, "I am greatly in favor of keeping up the Chocolate bayou stock farm, and intend to spend some of my time there—the place is of no value except for stock, but is good for that purpose." That he was guided by Austin's wishes and retained the Chocolate Bayou ranch is indicated by occasional entries in the Day Book.

A letter from Perry to Austin in May, 1835, indicates the progress made in the plantation. He wrote:

> I have made arrangements to settle our Dickenson and Clear Creek lands and within the summer have the others settle[d] we have about 65 or 70 acres in cotton this year but the season since the 1st Mar. has been so dry that prospects for crops are bad so far.

In November of the same year Moses Austin Bryan, Perry's stepson, wrote: "am rejoiced to hear that you are all in good health and getting along so well in the way of picking out cotton."

The next year the country was in turmoil and confusion incident to the revolution. Early in the year Perry was advised to take his family to a place of safety because of possible uprising of negroes

and dangers from Indians. Three days after this letter was written, Perry wrote that he was at Lynch's Ferry and that he had not gotten the "waggon across the San Jacinto." At the time he was undecided whether to take his negroes any further or not. This move was part of the so-called "Runaway Scrape." Perry decided to leave his family on San Jacinto Bay. Together with several of his negro men, he joined James Morgan on Galveston Bay, where he assisted in the building of fortifications to keep communications open to New Orleans. As a consequence of this absence from home during the planting season, the crops for 1836 were short and hardly adequate for food and seed for the next year. Perry contracted with the Schooner *Colonel Fannin* to carry his crop of twenty-two bales to Messrs. John A. Merle & Company of New Orleans. In the letter notifying this company of shipment he inquired whether he could obtain a loan of two or three thousand dollars for April or May, 1837, if the crop prospects were good at that time. The twenty-two bales did not go by the *Colonel Fannin* as is seen from the following letter.

Enclosed you will also receive a Bill of Lading pr Schooner Julias Ceiser for twenty two Bales of Cotton, the whole amount of my crop, which I hope you will receive in good order and get a good price for it as I need all I can get and more too.

There is no record of the 1837 crop. Conditions could not have been prosperous, for Perry was borrowing money as is seen from the following letter from his factor.

Money is very scarce here [New Orleans]. If we can possibly advance the $500 you speak of we will enclose it to Mrs. Perry.

New cotton begins to come in July and ranges from 10 to 12c in price we fear Cotton will not go above 10c this season.

Peach Point in its beginning was primarily a cotton plantation, with corn and other products to supply the plantation needs. It is not until the fifties that sugar-cane becomes the leading crop. Beginning with 1838 there is a fairly comprehensive record of the cotton crop through 1849, giving the records of the pickers by name, the total weight of the crop, the number of bales, the price of the crop, a partial account of the outlay for the crop, and observations on the weather. While a few references were made to the planting of corn, it was not until 1846 and 1847 that a full record was given of the corn yield. The records for this crop are never as complete as are those for cotton. The records for cane and its products began in 1848. The daily routine of the plantation is most fully illustrated in the farm journal for 1848 kept from day to day by Stephen S. Perry, the eldest son of James F. Perry.[2] This journal began on

[2] See pages 441–451, below.

January 16. The last entry was for the twenty-fourth of November; but there are no entries for July and September, only two for August, and one entry for October. This journal recorded labor routine, delinquencies of the slaves, and weather conditions, presenting in brief a picture of labor conditions on the plantation.

When the journal began, the ginning of the 1847 crop was still going on; and, indeed, the last bale was not ginned until March 17, 1848, by which time some of the early cotton for 1848 was coming up, though part of the 1848 crop was not yet planted. The preparation of the ground began on February 8, with the pulling of the cotton stalks and on March 9 they were still breaking up cotton stalks. In the meantime the ploughs were throwing up cotton ridges so that the cotton planting started on March 1. The year before the planting had started eleven days later. The cotton planted early was coming up before all of the cotton land was prepared for the seed. By March 31 the first ploughing of the cotton had begun and was finished by April 12; on May 1 the second ploughing started, the hoes were going at the same time as the second ploughing. On the first of May the cotton in the prairie field was replanted because a third of it was missing. Mr. Perry noted by the middle of June that the crop was fine, being nearly as high as his head. All the middles had been ploughed out by June 20, and the hoeing was finished within a week, thus "laying by the cotton." The negroes were free for other crops and other work until cotton picking began on July 31. The total crop of 154,188 pounds in the seed had been picked by October 11.

Besides attending to the cultivation of the other crops of corn, potatoes, and cane, the hands were occupied in splitting rails, getting board timber and basket timber, tearing down and rebuilding fences, making and cleaning out ditches, shelling corn, killing hogs, scaring the birds from the corn, hauling wood, working on the roads, building Ben's chimney, killing a beef, and attending to brood sows and their litters. No work was done on Sunday.

Turning to the annual statistics, the 1838 cotton crop was gathered between the fourth of September and some time in December—"the date knot nown precisely"—by fifteen pickers, among whom were Ben, Peter, Bill, Doctor, Sam, Dick, John, Beck, Mary, Chaney, George, and Ned. The fifteenth hand picked one day. The gang picked 667 pounds a day near the beginning of the season and 3,214 pounds as the season advanced. The 1838 crop for the entire plantation was 127 bales of which number Dick, Sam, and Bill owned one and one-half bales.

The next year there were twenty pickers with Betsey, Caroline, Margaret, Bob, Clenen, Allin, Frank, Tom, Sam, and Simon in the crew in addition to those of the previous year. The crop lacked 21 bales of being as large as that of 1838, being 106 bales. The average weight of the bales was 545 pounds, and netted 6½ cents

per pound. This crop had been hauled to the river by the sixteenth of January.

The plantation was apparently divided into three fields for cotton. These are designated in the record for 1840 as "Prairie field," "Field by the Gin," and "Field by the House." The crop of 106 bales was gathered by twenty-five pickers. Bill and Peter were expert pickers, Bill picking 325 pounds on August 26 and Peter 334 pounds on the same day. The average of the other twenty-two pickers for this day was 196 pounds. The yield for this year was classified as 40 "first rate" bales, 59 "good" bales, and 4 "not so good." All of the crop was in by October 26. The shortness of the season may be explained by a note under date of September 1 that the worms had destroyed the cotton.

Each year the number of bales decreased, only 89 being ginned in 1841. In this year the pickers numbered 19; however, George picked only two days. Peter and Bill kept the lead, with Caroline and Bob close followers. Turner, Purnell, Simon, and Allin were the poorest pickers, gathering in one week 780, 575, 510, and 580 pounds respectively. This was the same week that Peter had 1,470 pounds to his credit. This year's crop bore out Perry's statement that "the prospects for crops are rather bad," and that the blacks had been sick.

The picking in 1842 must have been very scattering, because it took nineteen negroes from July 1 to October 20 to pick 50 bales. The largest amount gathered in one day by any picker was 293 pounds.

By May 26, the 1843 crop was blooming and on August 15 picking had begun. Peter picked a total of 8,131 pounds for the season; Caroline 7,632; Bill 6,725; Bob 6,992; Ben 5,975; Betsey 6,534; Beckey 5,436; Chaney 5,241; Dock 5,443; George 5,086; John 5,764; Ned 5,815; Turner 2,783; Purnell 4,569; Allin 3,786; Mary 809; Westley 1,899; Sam 456; Jim 3,468, L. Ben 3,398; thus making a grand total of 101,403 pounds of seed cotton. The 61 bales delivered at Aycock's warehouse weighed 29,328 pounds. A letter from Guy M. Bryan to his friend Rutherford B. Hayes explains the short crop of this and the previous years:

> . . . we have had for the last two months the most unprecedented rains. The whole country has been under water. The Brazos River has again overflowed its banks. The crops which were most promising have been cut off one fourth. My father who had a most promising crop will not make more than 60 bales of cotton. Our lands which cost three thousand dollars annual tax, bring us in scarce a farthing. We are thus dependent upon our cotton crop for our active means, and that having failed for this year, I fear we will be unable to pay expenses. I however hope to obtain of a large cotton planter, who has made a tolerable crop, and owes us 15 or 16,000$ and is an *honest man* a sufficient sum to answer my purposes and enable me to go to the United States. . . . The crops of the country have nearly failed for three years in succession.

Despite worms in the gin house field by September 4, and their spread to the other cotton fields, the 1844 crop amounted to 118 bales, averaging 537 pounds each, or a total of 63,326 pounds of lint cotton. Of this crop 40 bales made up the better cotton, while there were three ordinary bales, and three stained ones. In addition to the workers of 1843, Silvy, Dave, Elish, Charlot, Big George, Jill, Lowey, and L. John picked part of the time, numbering 28 hands in all—Turner was not on the roll. Peter, Bill, Betsey, Caroline, and George were leading the field in the amount picked. This crop had to be replanted in May, while the first cotton planted was blooming on the twenty-second of May. The net proceeds were 4⅓ cents a pound.

The banner year of the plantation was 1845 when the yield was 130 bales. The twenty-two hands gathered 77,233 pounds of seed cotton from the Prairie field, of which 53,699 pounds was classed as "fine" cotton; and 90,412 pounds in the Timber field. The hands were irregular in their picking—Allin, Bob, Betsey, and Caroline lost from the field 4 days each; Charlot and Mary, 2 days each; Purnell, 3 days; Bill and John Jack, 5 days; Ben, 39; Beckey and Westley, 14; Clenen, 34; Chaney, 11; John, 12; George and Silvey, 7 each; Lowey, 9; Ned, 33; and Robert, 33 days. Sam picked three days.

The cotton crop of 1846 was very short. There were 10 bales, two of which were silk cotton. The lint total of these 10 bales amounted to 4,660 pounds. How poor the picking was may be judged by the fact that those hands who could pick around 400 pounds per day picked from 51 to 116 pounds per day.

In 1847 the cotton planting started on March 11, and the hands went into the field on August 10 to begin gathering the white staple. On August 20 the cotton worm made its first appearance. Mary Ann, Simon, Neece, Jerry, a negro belonging to Mrs. Jack, Gustus, Morris, Lucy, Dick, yellow Simon, and Tom were new hands on the record book. By November 8 the twenty-seven hands had picked 193,000 pounds. By November 8, Hill, the overseer had baled 8 bales, and the last of the 105 was not ginned until March 17, 1848. The 105 bales came to 55,262 pounds.

The planting of the 1848 cotton was described above. Twenty-three hands, starting on August 1, had gathered the crop by October 20, although they did not finish baling until February 8, 1849. The 82 bales weighed 42,108 pounds. There were 3,057 pounds of seed cotton classified as "fine."

The following year, 19 hands, Allin, Bill, Ben, Bob, Betsey, Becky, Clenen, Caroline, Chaney, George, John, Ned, Mary, Peter, Robert, Sam, Silvey, Westley, Simon, began picking on August 9 and by October 8 were picking the last of the thin cotton, when none of the hands picked over 100 pounds per day. The 39 bales of the 1849 crop, weighing 18,221 pounds, averaged 467 pounds each. There was no record of the 1850 crop in either of the books.

The first picking of the 1851 crop yielded 20 bales of good quality, weighing 10,339 pounds. The nine bales of the second picking came to 4,457. The last picking brought the total to 38 bales. This is the last record of a cotton crop on the plantation in either the Record Book or the Day Book.

Corn was the staple food of the South; indeed, in one form or another it was the main dependence in Texas. The records show that very little flour was bought. As early as 1833, Perry wrote that they had raised "8 or 900 bushels of corn and plenty of pumpkins."

The journal for Perry's plantation is most satisfactory for 1848, and that year is, therefore, taken to illustrate the routine of corn cultivation. Rotation of crops was practiced to some extent at Peach Point, unlike many of the plantations, as is evidenced by this entry of April 18: "Commenced ploughing corn, hilling it up and ploughing out the middles. Corn looks well indeed, wants rain very much. Good stand in all of it except the cotton ground, replant not all come up." The first step in the planting of the corn was the clearing of the ground. The corn planting began on February 17, and was finished on the morning of February 25. The corn came up slowly that year, necessitating the minding of the birds from February 26, when the corn began coming up, through March 10, at which time all the corn was not yet up. The ploughs started in the corn on March 23 and the hoes began the next day and continued for a week. Stephen Perry under March 24 made this note: "we did not harrow our corn this year, I do not think we did right we smoothed down the ridges with the hoes." By April 7 both corn and cotton needed rain; the corn, however, as was natural, was suffering most. On April 18 they commenced ploughing the corn a second time, to hill it up, and plough out the middles. The stand of corn in 1848 was good except in the bottom field which had been replanted. Seven ploughs were running in the corn with the hoes on April 19. The third ploughing started on May 12 and was finished on the 18, but the hoeing continued. A corn crop furnished plenty of labor after it was laid by, for it had to be gathered and there was the shucking and shelling as occupations for rainy days. It was not unusual in Texas to plant two crops of corn a year, but there is nothing to indicate that this was done on the Perry plantation. They did plant potatoes in the corn.

As a rule, there was more corn raised on the plantation than was consumed there. In 1838 the Record Book showed that 15 bushels of corn and 11 bushels of corn in the shuck were sold; in 1839 a surplus of 31 bushels of corn, 54 bushels unshucked corn, and 23 bushels of corn meal were sold; in 1841, out of 73 loads, 10 bushels of corn, 9 of meal, and $1.25 worth of "hommoney" were sold; in 1842, 1 bushel of seed corn and 30 bushels of meal; in 1843, 10 bushels of corn and 83 bushels of meal. In 1844, they sold 150 bushels of corn, contracting to grind 20 of it into meal, 57 barrels of unshucked corn, 5 bales of fodder, and 80 bushels of meal. The following year the

plantation disposed of 228 bushels of corn, 20 bushels in the shuck and 30 bushels of meal. The crop of 1846 amounted to 3,800 bushels and was gathered in September. Of this amount, 123 bushels and 116 sacks of corn, 11 barrels of corn in the shuck, and 17 bushels of meal were sold. In 1847 the crop, which was planted between March 2 and 6, yielded 92 loads, estimated at 2,300 bushels. They record as sold, 24 bales of fodder, 110 bushels and 114 sacks of corn, 42 barrels of corn in the shuck, and 8 bushels of meal. Of the 1848 yield of 144 loads (about 3,600 bushels), 60 bushels were sold. From the crop of 1850, the memorandum shows as sold 583 bales of fodder and 58 barrels of corn. From this time until 1863, there are no records of any sales except 176 bushels in 1858. In 1863, the overseer, Mr. Ayers, sold 1,162 bushels of corn and 23,973 pounds of fodder to the government, and 25 bushels of meal to various civilians. The price varied from seventy-five cents to a dollar per bushel. Apparently the plantation never had to buy corn or meal, but always had sufficient to supply their needs. The custom was to charge toll in kind for grinding corn at the mill. All this corn may not have been raised on the Perry land. Part of it may have come from the mill, no doubt some of the meal did.

The crop which was apparently taking the place of cotton in the fifties was sugar-cane. Phillips, quoting from P. A. Champonier's *Statement of the Sugar Crop*, says, "Outside of Louisiana the industry took no grip except on the Brazos River in Texas, where in 1858 thirty-seven plantations produced about six thousand hogsheads." [3] The Day Book showed that Mr. Perry was buying over two barrels of sugar a year after 1843, and in 1847 he bought 1,125 pounds. He sold Andrew Churchill a barrel (of 234 pounds) of sugar in 1847. This large purchase in 1847 may have been due to his buying in large quantities to get it cheaper for himself and neighbors. In 1846 he paid Major James P. Caldwell, from whom he usually bought his sugar supply, $12 for a barrel of molasses. It is uncertain when Perry commenced raising cane. In the journal for 1848 under date of April 15, Stephen entered this statement, "Ploughing cane and hoing cotton. First time the cane has been ploughed this year." There is nothing to indicate that this was the first cane crop on the plantation. A heavy frost on the fourth of November, the day on which the cutting had begun, killed the cane. By November 10, the cane was cut. These are the only facts known about the crop except that there is no record of their having bought any sugar in that year or in 1849. In November, 1849, the purchase of 180 yards by 39 yards of sugar cane for seed was made from James P. Caldwell. This was $1\frac{43}{100}$ acres at $40.00 and amounted to $57.20. James Hext, overseer for Perry, and a man by the name of Dillon measured the cane.

[3] Phillips, U. B., *American Negro Slavery*, 168.

The sugar mill was not installed on the plantation until 1850. In May of that year the sugar house was built, and Close and Adams installed the mill and engine in October. The sugar making began on December 12, 1850. A few days before this a severe freeze had spoiled "the most of the seed cane which was put up in malay" [matlay].[4] The breaking of the jack chain delayed the sugar making for a day and a half. On January 1 the cane had been rolled, but it became too sour to work up. The 1850 crop produced 165 barrels of molasses, of which four barrels were reserved for home use, two for W. J. Bryan, and one for M. A. Bryan. In June, 45 barrels of sugar were shipped in the *General Hamer* to T. Crosby. William N. Payne charged $354.80 for 100 molasses barrels of mixed sizes, 68 large size barrels, 2 meat barrels, 2 molasses barrels, 8 sugar buckets, and 52 hogsheads, while Horace Chadwick (apparently the same name sometimes spelled Shattuck), charged $63 for 42 molasses barrels to pack sugar in. Out of the crop of 1851, 202 barrels of molasses and 60 hogsheads of sugar were shipped; 2 barrels of sugar being sent to Rosanah P. Brown, Delaware, Ohio. The expenses for the sugar crop of 1851 included: $25 for work done on the furnace of the sugar house; $192 to Jesse Munson for making 96 hogsheads of sugar; $50 to W. N. Payne for making 50 "hogsheads"; and $433.92 to Horace Chadwick for making 321 barrels and 5 hogsheads; besides the hire for extra slaves.

There were several interruptions and hindrances to the sugar making of 1852. At first the pump refused to work; then the furnace mouth gave way and there was a delay until a mason could come to rebuild it. On the 13th of November they were interrupted by the burning of the corn house and stables with over 3,000 bushels of corn and most of the ploughs, harrows, and carts. They saved about 150 bushels of corn. The uncut cane was injured by hard frost and ice in the early part of January. They had begun cutting and hauling the cane on October 23, and on January 10 finished boiling the last of the crop. The extra expense for hired help, including $93.33 to Cash for overseeing, was $646.60. The warehouse bill from Crosby showed that 450 barrels of molasses and 71 hogsheads of sugar from this crop had been stored; there were then, on March 23, 75 barrels of molasses and one barrel of sugar. On August 15 there was an entry that 72 barrels had been shipped to W. Hendly and Company of Galveston in two shipments. Shattuck's bill for making and repairing barrels for the 1852 and 1853 crops was $651.23. Munson charged $420 for boiling the sugar and serving as engineer for the 1852 crop. The records for 1852 are meager.

[4] Seed cane was stored in "matlay" for the winter. Phillips (*American Negro Slavery*, 244) describes the process as the laying of the stalks in their leaves with the tops turned to the south to keep out the north wind, with the leaves of each layer covering the butts of that below, and with dirt over the

The 1854 sugar crop was finished by December 27, and a good crop was made. The net proceeds on 53 barrels after paying storage, expense to Galveston, and expenses after leaving Galveston, which included freight, wharfage, auction charges, cooperage, interest, commission, and guaranteeing, were $5,364.49. After deducting $2,579.63 for expenses, the net proceeds of the 1855 crop were $6,781.13. The 180 barrels and 140 hogsheads were marketed in Baltimore, Galveston, and New York. The price for sugar from 1851 on varied from five cents to six cents per pound. During the Civil War it was higher. In 1863, Mr. Ayers, in Stephen S. Perry's absence, sold $415 worth of sugar at fifty cents a pound.

Potatoes, like corn, were a staple food on the plantation. In 1837 the current expenses were charged with $5.50 for potatoes. This may have been for seed as this is the year they were so abundant. This is the last record of potatoes purchased until 1847, when 3 barrels were bought. On the contrary, several barrels were sold every season. In 1845 some 200 bushels of sweet potatoes and 18 bushels of Irish potatoes were sold. After 1853 there are no records of sales except five bushels in 1857.

Tobacco was a minor product of the plantation. In 1846 Perry sent R. and D. G. Mills, of Brazoria, 2,526 pounds at six cents per pound with the understanding that they should give him half of the profits above that amount. This is the only record of transactions in tobacco.

The record contains various entries of miscellaneous products sold. These included eggs, sometimes by the keg, chickens, muscovy ducks, turkeys, geese, butter, pecans, tallow, hominy, and hard soap. The sales were not in large quantities nor were they made regularly.

There is no record of how many hogs they had or how they raised them except in the 1848 farm journal. Between January 27 and the first of February, 47 hogs were killed. This was probably only a small part of the number killed that winter, for Texas farmers believed the old saw that meat killed before Christmas kept better, and they would hardly have gone that late in the season without fresh meat. On January 31, the entry reads, "Tearing down and rebuilding fences. Hunting sowes and pigs, put nine sowes with about forty young pigs in the Prairy field." From 1839 to 1849 there was a gradual increase in the amounts of pork and lard sold, after which time the sales fell off abruptly. In 1848 they sold 12 hogs, 1,744 pounds of bacon at eight cents, and 334 pounds of lard at nine cents per pound. In 1843 and the two following years the sales of pickled pork averaged about 300 pounds at eight cents per pound.

The Chocolate Bayou stock farm was kept as Austin desired, but there were few entries made in regard to it save two pages

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last butts in the mat. Perry bought by the yard as the cane lay on the ground.

under "Pleasant Bayou Ranch," giving the accounts from 1856 through 1859. There was exchange of labor to some extent between Peach Point and Pleasant Bayou, as is seen in the journal of Stephen Perry. This is shown in the entry of April 17, "Need left this morning for Chocolate Bayou (Sam coming in his place)"; on the 19th this additional statement was entered, "Robert left for Choclet on the 17 of April with Need carryed two mules with him."

From the beginning, this place had been considered ranching land. In 1834 Austin instructed Perry to "collect all the stock you can in claims due me and put them on your farm at Chocolate Bayou, in your own brand." From Peach Point they shipped out on an average of 13 hides a year at 7 and 8 cents. In one year they received $27 for 15 hides. Very few beeves were sold from the plantation. In 1839 they received $240 for cows; in 1840, $182; in 1845, $100 and a note for three cows at $10 each; in 1846, $40. There were no records of the sale of hides from Chocolate. They bought corn in small quantities occasionally. In 1847 and again in 1848, about 2,000 pounds of corn was shipped Aycock for the use of Judge Low in payment of loans of corn from him.

Edward Austin took charge of the Pleasant Bayou stock in 1846 at the salary of $200 per annum with the provision that he make his wages out of the stock. N. S. (?) Davis had charge from 1856 until as late as February 1859. He sold 233 beeves and five stags for $5,532. The expense account totaled $1,307.98, including articles purchased for the ranch and $200 for Davis's services. In 1842, Edmund Andrews was charged with $300 worth of timber from Chocolate and Hopkins is charged with $500 for "Timber taken away and destroyed on my land on Chocolate Bayou." It can not be determined from these inadequate accounts whether the ranch was a financial success or not.

In the sketch of Perry's life in the *Planter*, 1853, he is described as "One of the best planters and masters in the State." When he came to Texas in 1831, Perry brought his slaves with him, but their number and qualities are unknown. There is no complete list of Perry's slaves. The daily record of the cotton picking which was kept by name is the nearest to a list of the slaves. There are no records of purchase or sale of negroes except in two cases. In 1832, Austin wrote Perry as follows:

> I am sending you Simon and wish you to keep him close at work untill I return. He has been idle for so long that he will require a tight rein—he is in the habit of gambling—but he is a useful hand on a farm if he is kept close to his business.

This would seem to indicate that Austin already had a negro by the name of Simon, while in 1836 he wrote to his brother-in-law:

> McKinstre has a very likely negro 27 years of age, healthy and a good field hand—he has ran away owing to a terrible whipping Mc. gave him the other

day, but I believe has no very bad habits—he asks twelve hundred dollars cash —I have an idea of buying him—what do you think of the price—if I take him will send him to you untill I need him.

Whether Perry advised it or not, Austin did pay $1,200 for another slave by the name of Simon, who is described as of a "dark complexion, age about 27 years and in good health." This Simon is probably the one by that name on the records. In April, 1842, William Joel Bryan is debited on the Record Book with $1,000 paid to Hopkins for "negress Ann and child" and with $3,000 paid to Dr. Smith for "negress Tamar, negroes Donor and George." On the same day, Joel is again debited with $1,000 to Emily M. Perry for boy Frank. A note to the side of the page reads: "Entered in Mrs. E. M. Perry's Book." In 1834 John R. Jones, who was selling out to go into the mercantile business, offered Perry his Missouri negroes in payment of a debt. In 1841 and again in 1848, Hamilton White offered to settle a debt for land with negroes. Before this, in 1837, George Hammeken had written Perry from New Orleans of an opportunity to buy one Gouverneur's slaves. Whether or not Perry closed with any of these proposals is not apparent. The list of field hands in the record is supposedly complete, but there is nothing to indicate the number of domestic slaves.

There is scarcely anything in the records to indicate how the negroes lived. No punishments for the negroes are recorded. They seem to have been on the whole fairly healthy. The record for 1841 is probably a representative year. In this year, Ben was out of the field on account of a snake bite. George was sick all of the cotton picking season of 1841. John and Becky were out a few days. Mary was away from the field 26 days, 17 of these following the birth of a son on October 11. This is the only record of the birth of a child to any of the slaves on the plantation; in fact, there are no records of there being any children unless this is implied in the labor of driving the birds away from the young corn. This sort of work would probably be done by children or infirm negroes. In 1848 Allin was sick practically all the Spring; Westley, for part of May; and Mary, during the fall. Stephen Perry, in his synopsis of the months of January, February and March, said, "The atmosphere has become so impure, which has produced sickness among the negroes, they complain principally of pains in the breast and sides, sores, and rumatisms &c. &c." As far as the farm journal carried the record in 1848, the negroes lost from the field 115 days from sickness. The only record of any of Perry's slaves running off was in an entry of May 30, 1848. "Tom ran away and was gone until June 7." No reason was assigned for his running away. Nothing is shown as to the negroes social life. There is an entry in November, 1839, that they had a half day's picking and that Sam was married that day.

Perry hired out his own slaves, and in turn, employed the slaves

of others as need arose. He frequently had to hire additional labor in the sugar making of the fifties. Such emergencies were met by mutual accommodation of neighbors, and not by hiring from a slave gang. In 1834 Edmund Andrews wrote asking, "have you none among those of Westall's [slaves] that you will hire me for a cook." John P. Borden in 1837 wrote to hire either Clara or Milly as a cook. In 1844 W. J. Bryan hired Frank, George, Clenen, Bob, Mary, and Silvy to assist with his cotton. The next year he hired Sam, Allin, Purnell, Westley, Ben, John, Ned, and Bill a total of sixty-two days to gin and bale his cotton. In June, 1855, Perry let Mr. Shattuck have a negro woman at $15 per month. The records indicate that Perry hired outside help more often than he let his slaves out. In 1843 he hired Ben and Jim at $10 per month from Dr. Leonard. From 1844 to 1850 he hired Jerry, Tom and George from Mrs. Laura H. Jack. Beginning with 1850 his expense account for hired slave labor was high during the season of sugar making, which required a large force to work day and night. He paid from $20 a month to $1.00 per day in the sugar season when the work was hard. He had hired nine slaves in 1851 from Mrs. Bell, of Bernardo, and from Edmund Arrington. This number was increased to eleven in 1852.

If the slaves worked on Sunday, which they frequently had to do in sugar making, they received the $1.00 themselves. The expense account for the sugar crop of 1852 included $45 "for home hands." This may have been for their Sunday labor. In 1853 at least fifteen negroes were hired from Major Caldwell, Major Lewis, W. & J. Hopkins, Derant, and Guy M. Bryan; and ten for 1853. Perry had considerable trouble on account of hired negroes running away for a few days at a time—probably to see their families. Guy's negroes, Henry, Sam, Simon, Bill, Nathan, and little John, ran away at various times during 1852 for a day or so at a time. Perry boarded the hired negroes, but he evidently charged their clothing to their masters. In 1853 he charged Major Lewis with six pairs of shoes and one blanket. In 1854 Estes was charged with one pair of shoes, which was deducted from Estes' bill of $60. In 1855 Captain Black was charged with $15 for ten pairs of shoes for his negroes. In 1853 Perry paid for negro hire $638.80. Of this amount, $28.50 was for Sunday work and $45 for the home hands. The one item of Lewis's hire for 1854 was $800.

There was some work which the slaves and overseers could not do, so white labor was called in. Most of the work done by white labor was shopwork, stocking ploughs, carpentering, installing the sugar mill, making barrels, papering the pantry, and engineering work on the sugar house and furnace. This would point to the inference that the negroes on the plantation were field hands unskilled in any trade. Apparently they worked in gangs, for Bill had charge of a gang in 1848.

Over the negroes there passed a constant stream of overseers, beginning with William Joel Bryan, who was credited with $800 for service in "1837 & 1836" and "1838 & 1839." The salaries for the overseers varied from $20 a month to $650 a year. It is uncertain how long Joseph M. Trimble served in 1838 after he was employed on January 2. There were three overseers in 1839: one Ramsey, K. K. Koontz, and David H. Love. Ramsey and Love were both discharged. M. M. Aycock served throughout the year of 1840. In 1841 J. J. Harwell was employed for overseer, but it was not indicated how long he remained in Perry's employment. Denman contracted to serve from December 18, 1841, to January, 1843. He became ill and left after a week's service. Denman had a horse and the agreement was that if the horse were kept on the plantation it was to be used for its keep. On January 6, 1842, John Kellen began to serve as overseer. The two following overseers served for two years each: John Handcock for 1843 and 1844, and Chapman White, whose family lived in Mississippi, for 1845 and 1846. William L. Hill agreed on March 22 to serve as overseer for $25 per month provided Perry was satisfied. He and Perry made a settlement on November 27 of that year. Joseph Hext, who was overseer throughout 1849 and 1850, came for $20 a month with a contract to receive $25 if 110 bales were made and sold at seven cents. They made 39 bales of cotton in 1849. Jesse Munson, who was skilled in sugar making, and who had made up the 1851 sugar crop, was overseer from January 1 to October 19 when he began to make up the sugar crop of 1852. H. J. B. Cash took Munson's place as overseer on October 19, 1852, and with the exception of short intervals he continued in Perry's employ until January 1, 1855. A man who is called at various times Seiers, Sayer, and Seayer began overseeing on December 13, 1856, at the rate of $600 a year. He served one year and began on another but it is not recorded whether he worked the full two years or not. Hull, the last one of whom there is an account, was to receive $50 per month, and Perry agreed to furnish him beef, meal, molasses, and a servant to assist his wife and to cook and wash.

The negroes were allowed small patches of their own in which they raised cotton, corn, and vegetables. In the calculations made about 1852 of the size of the various fields, the measurements of the prairie field were fifty-six acres after four acres had been taken out for garden and lot; the timber field was 187 acres after a deduction of one acre for each of the nine "boys," Simon, Sam, Ned, Ben, Bill, Peter, John, Clenen and Bob. African Bill and Sam each received $38.87 for their 1839 cotton crop; Bill and Peter were each credited with $55.02 for their 1840 and 1841 crop; Ned, $30.72 for his 1841 cotton; Simon, $41.34 for his crop. In December 25, 1845, Clenen was debited to Ben for balance of $2.35 due him for rent of ground for 1845. The crops of Simon and Peter were short in 1846, being 73 pounds and 115 pounds respectively. On November 27,

1847, this entry was made: "Bill African By 1,110 lb. Seed Cotten Crop of this year suppose to be worth 1½c but to [be] paid at what my crop sells for—$16.05." In 1854 the total crop for seven "boys" was 11,036 pounds. When one slave picked another slave's cotton, he was credited on the Day Book with the money for the picking. The negroes raised corn as well as cotton. Ben sent sixteen and Simon six barrels of corn to Brazoria in 1848. In 1850 Bill was credited with 585 pounds of fodder at one cent a pound, and sixteen barrels of corn at $8.00. In 1855 Purnell is credited with 20½ bushels of corn. The negroes must have raised hogs, for Clenen sent fifty pounds of bacon worth $10 to M. B. Williamson in 1847, and Ned sent sixty-one pounds to Canon.

There is no record of clothing and supplies being issued to the negroes. On the other hand, the negroes are charged with shoes, tobacco, and merchandise from Mills and Bennett, Stringfellow and Aharns, and other firms. This may have been to keep account of what was spent on each slave, but the shoes and other articles are only charged against those negroes who are shown to have had a patch of ground, except George who is charged with one pair of shoes in 1850. The "coars" shoes and "Russett Brogans" ranged in price from $1.25 to Sam's $3.50 boots in 1849. These merchandise orders may have come from the proceeds of their crop to supplement their regular clothing allowance. The merchandise included combs, flannel, $5.00 dress patterns, sugar, padlocks, net and cambric for two or three mosquito bars, buckets, and straw hats. Between 1839 and 1851 there are recorded thirteen pairs of shoes against Bill, three pairs being for Betcy; Sam had a pair for each year from 1839 to 1842; Ben, Peter, Simon, and Ned, had five pairs each for the four years, one pair of these bought for Peter was for Silvey; three of John African's twelve pairs were for Becky; Allin and Clenen had two pairs each between 1839 and 1842, and George had one pair. Sam is charged with twenty-three plugs of tobacco, Ben with seven, and Ned with fourteen plugs.

Although the plantation was located on the Brazos, the products had to be hauled to Aycock's in Brazoria, which was nine miles from the plantation, or to Crosby's Landing. There is no record of a landing at Peach Point. If there was no immediate market or no boat to transport the goods, they were stored in the warehouse at the shipping point. Both Aycock and Crosby often acted as agents to dispose of the farm products. Frequently one of the various schooners, *Alamo, Josephine, John G. McNeel, Hamer, Oscar, Washington, S. M. Williams,* or the *Rein Deer,* plying on the river was at the landing and received the goods at the end of the haul, and thus shipment was made directly to William H. Hendley and Company of Galveston, who disposed of the shipment in New Orleans, Baltimore, or New York. Perry did some banking business with the firm of R. Mills and Company of Brazoria, with its successor, R. and D. G. Mills, and

with James Reed and Company of New Orleans. These firms sold the crops on different occasions, but William Hendley and Company did most of this work. Perry settled Crosby's bill for storage and ferriage on March 23, 1853, for $118.75. This bill went back far enough to include $25.50 for storage of 408 barrels of molasses of the crop of 1850 and 1851 at 6¼c. Much of the supplies for the plantation came from James Reed and Company, R. and D. G. Mills, and William Hendley and Company. Smaller items came from Mills and Bennett, Stringfellow and Aharns of Brazoria, Smith and Pilgrim, Blackwell and Schlecht, E. Purcell and Company, and Canfield and Slater of Galveston. It was not indicated where all of these firms were located.

The 106 bales of the 1839 cotton crop netted $3,744 after deducting $297 for the cost of the bagging and rope for baling. This year and the years immediately following were hard in Texas, because of the panic in the United States and the declining value of Texas currency due to the unsound finances. The currency depreciated steadily until it was worth about one-third of its face value. The prices, according to the *Telegraph,* were unreasonably high; pork was eighty cents per pound; a beef, from $70 to $80; corn meal $6 to $8; coffee per pound, fifty to sixty cents; butter, from $1.25 to $1.50 per pound. Mills and Bennett shipped the 1840 crop of 103 bales, and the net proceeds were $4,561.73, after deducting cost of bagging, rope, charges to and at San Luis, and the balance of the interest. This is about two cents per pound more than the year before. R. and D. G. Mills handled the 89 bales of the 1841 crop and returned a net price of $4,338.58. The sum of $1,306.14 was the net price of the 50 bales of the next year, while the 61 bales of 1843 yielded $2,700.78 after the usual expenses incident to baling were paid. Perry ginned J. T. Hawkins's 1843 crop also. He was to receive one-tenth of the net proceeds after R. and D. G. Mills had sold the crop plus $1.00 per bale for packing. The extremely low price of three cents in 1844 brought the net proceeds of the 118 bales to $3,133.45, or $174 as the net yield per slave for each of the eighteen field hands. The largest cotton crop of the whole period, 130 bales, brought in only $4,644.55. It is a big jump from 130 bales to the 10 bale crop of 1846. This brought $46 per bale, and $700 would cover the amount brought in by corn, meat, and lard as set down in the record. Thirty-six bales of the 105 bales of the 1847 crop brought $1,217.46. It was not recorded how much the 159 bales of the 1848, 1849, and 1851 crops amounted to. The sale of sugar-cane products for 1852 through 1856 added to that of 1863 both retail and wholesale as recorded was $14,236.29, but this is not likely to be a complete record.

Perry wrote in 1833 that for the past several years farmers had raised cotton with great success, averaging "from 7 to 8 bales to the hand weighing from 540 to 560 each besides corn and everything else for the support of their farms." But the 1838 crop was the

only one with which Perry was ever able to equal this record. The crop that year averaged nine bales to each of the fourteen hands. The crop of 1845 averaged six bales to the hand, and the 1839 averaged five bales. The average for 1846 was one-half bale. The average per hand for the twelve years from 1838 through 1849 was 4 1/6 bales.

For brief glimpses of the life and environment of the family who owned and made Peach Point their home, we are dependent on fragmentary sources. From the first Austin, who had visions of a splendid, comfortable life on the plantation, had urged his brother-in-law to plant fruit trees and raise a garden. In fact, Austin himself was always gathering new varieties of peaches, plums, grapes, figs, and other fruits and trees to send home, even from Mexico. In 1839 one Holsteine was employed as "gaurdner from 1st Feby to 10th Sept." He was paid $140 for his 7⅓ months of service. On December 16, 1840, a "sparrigrass" (asparagus) bed was planted, as well as varieties of fruits. In this year it was planned to have a row of fruit trees on each side of the road from the house to the gate. Gage and damson plums, peaches, apricots, figs, and pears were already growing, and Perry indicated from which trees he wished sprouts taken for the new orchard. In 1843 Guy M. Bryan wrote of the garden:

> It has been perfectly green throughout the whole of the winter. It is pleasant to a *sore-eyed man* to wander in the *dead of winter* through walks embowered with roses and fragrant shrubs of every kind and colour, to meet at every turn the orange the vine the fig and pomegranate, all of which abound in my mother's yard, the products of our genial clime and mother's guardian care.

The place then presented a great contrast to that described by Austin in 1836 as "still in the primitive log cabbins and wild shrubbery of the forest."

Mrs. Perry, the mistress of this pleasant home, was a woman of culture and education, trained at "The Hermitage," a fashionable school for young ladies in New York. Her husband was a man of strong intelligence and public spirit, a factor in the economic progress of Texas from his arrival in 1831 to his death in 1853. Her son, Guy M. Bryan, was a graduate of Kenyon College, at Gambier, Ohio, where his brother Stephen Perry was also a student. Henry Perry, the youngest brother was a graduate of Trinity College, at Hartford, Connecticut. In 1848 Rutherford B. Hayes, Bryan's classmate and bosom friend, visited the plantation, and through extracts from his diary and comments of his biographer we can see how it impressed him:

> The House was beautifully situated on the edge of the timber, looking out upon a prairie on the south, extending five or eight miles to the Gulf, with a large and beautiful flower garden in front.
>
> Social life here afforded no end of entertainment—balls and parties rapidly followed one another, the guests riding ten, fifteen, and even twenty miles,

arriving early in the afternoon, and remaining for nearly twenty-four hours, the great plantation house supplying room for all. An exceedingly agreeable, gay, and polished company . . . merriment and dancing until 4:30 a. m.—like similar scenes elsewhere. Gentlemen breakfast from 10 till 11:30; all off by 12 o'clock.

January 25 [1849].—Ride with Uncle and Guy over Gulf Prairie to the mouth of the Bernard, to fish and eat oysters. A glorious day. Deer, cattle, cranes, wild geese, brant, ducks, plover, prairie hens, and the Lord knows what else, often in sight at the same time. The roar of the Gulf is heard for miles, like the noise of Niagara. Staked out horses with "lariats," eat old Sailor Tom's oysters, picked up shells, fished and shot snipe until 5 P. M., then rode home through clouds of mosquitoes, thicker than the lice or locusts of Egypt—like the hair on a dog's back. Notice the eagle's nest on the lone tree in the prairie and reach home glad to get away from the mosquitoes.

Tuesday, January 30.—Ride with Mr. Perry over to Sterling McNeal's plantation. A shrewd, intelligent, cynical old bachelor, full of "wise saws and modern instances"; very fond of telling his own experience and talking of his own affairs. Living alone he has come to think he is the "be all" and "end all" here. The haughty and imperious part of a man develops rapidly on one of these lonely sugar plantations, where the owner rarely meets with any except his slaves and minions. Sugar hogsheads vary from 1100 to 1800 lbs. White and black mechanics all work together. White men generally dissolute and intemperate. Returned, found Uncle Birchard returned from Oyster Creek, with the trophy of a successful onslaught upon a tiger cat. Glorious weather. One little shower.

Monday, February 5.—Cold and clear. Forenoon spent with Stephen and the ladies—music and flirting. Afternoon rode up to Major Lewis's. Three agreeable young ladies; music, singing, and dancing—city refinement and amusement in a log cabin on the banks of the Brazos, where only yesterday the steam whistle of a steamboat was mistaken for a panther.

It was in 1848, probably in preparation for the visit of this guest who was later to be President of the United States, that Mrs. Perry ordered silver ware "not to cost over $400," with Austin's seal to be engraved on each article. The service included coffee pot, tea pot, sugar bowl, cream pot, slop bowl, four ivory salt spoons, and one dozen each of tea spoons, dessert spoons, dining forks and dessert forks.

Finally a word needs to be said of the two old volumes which form the principal source of this study. They are mildewed, blurred, and faded, so that the task of deciphering them is, in many places, extremely difficult. The memoranda which they contain were written for the use of the planter, without thought of the historian. Many aspects of life on the plantation which we should like to see in a day to day commonplace record are lacking, simply because to the writer they were commonplace. As it is, however, this is the only known contemporary record of an ante-bellum Texas plantation. There may be others—even more complete ones—in neglected family archives, but they are not available. One likes to believe, as in some respects was probably the fact, that Peach Point was a typical Texan slave plantation. It was self-sustaining. There was around it an atmosphere of culture and contentment. The negroes remained long

in the family, were apparently treated with consideration, and there is every indication that they were comfortable and happy.

SPECIMEN PAGES OF COTTON PICKING RECORD, 1845

August	5	6	7	8	9	11	12	13	14
Allen	140	63	107	.....	.....	107	138	117	130
Bill	.....	.....	155	87	.....	257	270	248	290
Ben									
Bob	292	113	178	265	184	200	232	235	232
Betcey	262	113	117	167	104	169	170		
Beckey	.....	85	118	97	91	84	115	118	185
Clenen									
Caroline	309	145	243	254	255	262	282	276	265
Chaney	125	100	191	108	.....	.....	.....	.....	64
Charlot	219	110	164	148	161	151	165	180	186
George	301	.....	173	219	215	215	246		
John	231	.....	126	137	.....	.....	.....	101	155
John Jack	.....	.....	.....	166	125	144	152	166	167
Lowey	289	115	186	161	175	224	221	235	221
Mary	.....	92	168	.....	164	182	182	176	182
Ned									
Peter	.....	.....	.....	145	77	263	291	288	265
Purnell	258	.....	140	.....	145	142	126	150	138
Robert	.....	.....	.....	.....	.....	.....	86	60	90
Silvey	.....	.....	.....	.....	.....	94	108	25	
Westley	.....	.....	.....	.....	.....	93	150	110	85
Sam									
Prairie Field	2426								
Fine Cotton	.....	823							
Timbered Field	.....	.....	2066	1940	1696	2597	2934	2579	2888

August	15	16	19	20	21	22	23	24	26
Allen	136	155	150	147	147	167	165	140	148
Bill	320	285	295	331	295	287	279	280	287
Ben	.....	.....	.....	.....	185	205	200	194	
Bob	222	245	165	.....	251	255	238	205	268
Betcey	.....	155	145	138	60	196	200	205	206
Beckey	.....	.....	.....	.....	133	126	151	134	160
Clenen	110	165	200	207	192	177	160	164	160
Caroline	307	295	110	.....	344	301	315	333	345
Chaney	147	185	.....	72	227	208	231	296	41
Charlot	214	180	215	195	201	200	185	235	202
George	.....	.....	56	141	159	204	208	290	285
John	125	175	215	198	203	211	180	200	211
John Jack	160	160	160	154	181	167	163	200	170
Lowey	267	258	294	319	307	304	234	233	330
Mary	207	200	211	196	200	200	212	205	220
Ned	.....	.....	210	196	200	200	.....	222	191
Peter	312	301	301	302	355	310	315	312	402
Purnell	157	147	170	210	205	180	160	174	190
Robert	50	45	60	65	65	60	.....	85	100
Silvey	98	95	140	154	160	137	164	137	130
Westley	119	123	140	165	165	154	130	120	155
Prairie Field	.....	.....	.....	.....	.....	.....	3936	4312	4379
Fine Cotton	.....	.....	.....	1000	4173	4076			
Timbered Field	3023	3129	3186	2105					

Aug.—Sept.	27	28	29	30	31	2	3	4	5
Allen	162	170	160	106	71	132	148	153	152
Bill	62	357	300	245	155	267	249	259	259
Ben	185	243	212	170	95				
Bob	259	328	312	212	119	252	249	247	232
Betcey	195	266	260	180	86	174	195	178	201
Beckey	180	.....	146	130	91	.....	116	151	
Clenen	174	182	113	126	79				
Caroline	344	400	352	291	161	265	274	288	294
Chaney	200	255	228	161	.....	84	163	185	154
Charlot	180	214	195	.....	.....	160	185	182	151
George	285	360	329	235	92	250	248	265	271
John	185	217	222	159	71	166	192	180	176
John Jack	185	230	216	18	885	149	137	152	200
Lowey	321	387	330	314	165	214	232	222	249
Mary	190	271	245	136	906	171	191	196	193
Ned	210	211	218	176	96				
Peter	359	407	350	319	165	.....	279	284	300
Purnell	.....	.....	171	58	59	168	175	209	211
Robert	116	82	81	72	38	75	183	100	
Silvey	114	162	137	.....	.....	130	122	128	110
Westley	150	165	153	130	771	135	148	131	117
Prairie Field	4000	5143	4752	3397	1725				
Fine Cotton	.....	.....	.....	.....	.....	2722	3386	3351	3301
Timbered Cotton.									

September	7	8	9	10	11	12	13	15	16
Allen	157	140	155	148	176	152	157	141	135
Bill	285	260	300	262	314	280	281	254	229
Ben									
Bob	174	132	.....	100	170	243	272	255	238
Betcey	284	182	235	240	241	217	230	202	182
Beckey	106	.....	.....	147	180	170	171	.....	77
Clenen									
Caroline	326	306	302	151	.....	216	161	274	
Chanen	179	147	180	185	.....	125	218	194	195
Charlot	190	178	218	.....	191	182	206	188	181
George	292	264	267	239	295	266	278	211	237
John	200	175	224	205	194	205	202	200	181
John Jack	262	180	151	191	191	191	185	165	165
Lowey	205	275	301	279	( )	295	242	247	251
Mary	132	1—	204	195	122	204	231	188	171
Ned	.....	212	234	88	90				
Peter	326	301	327	326	341	337	305	276	250
Purnell	230	200	205	206	221	212	197	175	171
Robert	100	85	90	106	97	.....	88		
Silvey	142	142	150	137	164	130	150	121	113
Westley	161	150	149	150	175	153	71		
Prairie Field									
Fine Cotton	3831	3512	3695	1404	3610	3578	604		
Timbered Field	.....	.....	.....	1784	.....	.....	2972	3092	2712

Stephen S. Perry's Journal of 1848

The spelling, punctuation, and form of the original journal have been retained as nearly as possible.

Journal Kept By Stephen S. Perry during the year 1848

Month & Day	Occupation	Delinquencys
January the 16	Gin is runing Making rails thering down and rebuilding fences—	Allin Sick
17	Making fence, cleaning the gutters, shelling corn— Gin runing	Allen Sick 1
18	Tearing down and rebuilding fences. Cut down the hedge in the Prairy field— Making rails Gin runing until nine oc at night	Bill Sick—1 Allen " 1
19	Taring down and rebuilding fences.	Ben and Chaney sick 1 Allin " 1
20	Taring down and rebuilding fences—	Allin Sick 1
21 22	Finished rebuilding fences in the Prairy field,	Allin Sick 1
20	Mrs. Jack's Tom commenced work	
22	Making cotton bailes, (made 16,) carryin Cotton into gin house	Allin sick 1
23	Sunday—	Allen Sick 1
24	Weighing cotton bailes, shelling corn	Allen sick 1
25	Making Ben's chimley	Allin sick 1
26	Finished Ben's chimley. Commenced rebuilding fence in the Bottom field	Allen sick Mary and Ben sick
27	Killed sixteen Hogs, cut them up and salted, part of the hands was occupied carrying cotton from the pens into the Gin Hous. Gin runing All savd and cured	Mary and Ben Allen sick Bill half a day sick— Silvey sick afternoon
28	Killed Fifteen Hogs. Cut them up and salted part of the hands was ocupied carrying cotton from the pens into the Gin House, Gin running all savd and curcd	Allen sick
29	Shelling corn all hands continued building fence.	Allen sick
30	Sunday	Allen sick
31	Taring down and rebuilding fences. Hunting sowes and pigs, put nine sowes with about forty young pigs in the Prairy field,	Allen sick

Month & Day	Ocupation	Delinquencys
February the 1	Kill'd Sixteen hogs this morning cut them and salted, continue making fence, with the women	Allen sick George "
2	Making fence and splitting railes Shiped to Aycock's landing fifteen sacks of corn, containing 40 bushels to be sent to Judge Low Galveston	George sick Allen sick
3	Making and splitting railes, continue building fence	Alen sick
4	Making cotten bails, made fifteen bailes carrying cotton in to the Gin,	Allen sick
5	Continued to bail Made seven bales, weighed, and shiped eleven to Mr Aycocks Landing Making fence, gin stoped today	Allen sick
6	Sunday	
7	Finished building the back string of fence in the Bottom field Shiped eleven bailes of cotton to Mr Aycocks Landing	Alen and Mary sick
8	Commenced pulling cotton stocks, and cleaning up the corn ground,	Allen and Mary sick,
9	Continued to pull and roll Cotton Stocks, And Cleaning up Corn Ground,	
9	Ploughes commenced today, the 9. of February	
10	Three Ploughs running, Cleaning up cotton stocks,	
11	Ploughing and cleaning up ground,	
12	Ploughing	
13	Ploughing	
14	Ploughing and braking down cotton stocks,	
15	Ploughing and braking down cotten stocks. Father with four of the men, has been repairing the Cotton press. Finished Gining today	Becksy commenced working in the field to day stoped working in the field the 7 of February
16	Ploughing and braking down cotton stocks &c &c	
17	Commenced planting corn, Continue to brake up land—	
18	Planting corn braking up land	
19	Planting corn	
20	Sunday	
21	Planting corn and braking up land	
22	Planting corn and Ploughing	
23	Planting corn and Ploughing	

Month & Day	Ocupation	Delinquencys
24	Planting corn and Ploughing	
25	Finished planting corn this morning Braking up land and braking down cotten stocks	George sick Silvy commenced work today having miss one week
26	Ploughing; throwing up cotten ridges in the bottom field, the ground is too hard to plough in the Prairy field, braking down cotton stocks Commence minding birds corn coming up	Ben sick Allen sick
27	Sunday	
28	Making cotton ridges braking down cotton stocks and minding birds	
29	Making cotton ridges cleaning up the suger cane ground minding birds—	Tom sick
March 1	Braking up potatoe ground and making cotton ridges. Minding birds. Commenc planting cotton to day about twelve oc	Tom Sick
2	Ploughing up potato ground and making cotton ridges finished cleaning up the suger ground minding birds corn coming up very slow.	
3	Braking up cotton ridges planting cotton, Making Potato hills and cleaning out ditches in the bottom field west of the Gin,	
4	Making cotton ridges plowing cotton Making potato hills Minding birds	
5	Sunday	
6	Commenced Ploughing in the Prairy field, very good ploughing since the rain. Setting out Potato slipes Planting cotton in the bottom field—	Betsy sick this afternoon George absent to day — Westly absent Silvy working in the garden
7	Braking up cotton ground in the Prariy field. Planting Potatoes	Silvy absent
8	Braking up cotton ridges in the Prairy field Cutting up cotton stocks. Planting Potatoes	Silvy absent George absent
9	Braking up cotten ridges in the Prairy field Cutting up Cotten stocks. Commenced Planting Cotten in the Prairy field to day	Silvy absent to day George absent
10	Finished ploughing the Prairie field and also the botom part, planting cotton in the Prairy part, finished planting sweet potatoes Minding birds corn not all up yet—	Clenon absent from the field Bob sick George absent
11	Commenced ploughing on the north side of the turn row, next to the house in the bottom field Planting cotten in the prairy field	George absent

Month & Day	Ocupation	Delinquencys
12	Sunday, no work don on Sunday	
13	Braking up cotton land on the west side of the turn-row next to the house Planting cotten now Cotten commince comming up	
14	Braking up cotten ridges in the Bottem field. Cotten coming up	
15	Planting cotten in the bottom field on the west side of the turnrow. Commenced braking out the midles Finished making cotten ridges	
16	Making cotten bales	Mary Ann Sick
17	Finished making cotten bales the last of this years crop Ploughing out the middles	
18, 19 & 20, 21	Absent from home Cotton coming in the Prairy field	
22	Braking out the middles in the Bottom field, Making a ditch the whole length of the string of fence in the Prairy runing East and West, cleaning out other Ditches, making fences in the around the paster—	John sick Mary Ann sick
23	Commence ploughing corn Cleaning out ditches	Mary Ann Sick John Sick
24	Ploughin corn, commence hoing corn to day, (we did not harrow our corn this year. I do not think we did right) We smothered down the ridges with the hoes	Mary Ann Sick John Sick Clenon Sick
25	Ploughing and hoing corn	John and Mary Ann Sick
26	Sunday	John & Mary Ann Sick
27	Ploughing and hoing corn	John Mary Ann Peter Sick
28	Finished Ploughing & hoing corn on the cut north of the Ditch	John Peter Mary Ann Sick Ben
28	Ploughing and hoing corn sourth of the ditch. A very good stand of corn on both cuts	John Peter Ben Mary Ann sick
29	Ploughing and hoing corn	John Mary Ann Beckey
30	Ploughing and hoing corn Sweet-Potatoes cuming up.	John Mary Ann & Beck-ey Tom all sick
31	Ploughing and hoing corn Commenced ploughing cotton	Beckey sick

Synopsis of the months of January February and March,—

The months of January February and March have been exceedingly favorable to the Planters in this Latitude. Very little rain for the last four or five years, the Winter and fall has been noted for dryness: The sun has been obscured the greater part of the months of February and March. Heavy clouds have constantly been threatening us with a deluge, the atmosphere; in consequence of this and the cold winds blowing almost constant from the north & south also the heavy dews at night with the few refreshing showers that have fallen. This keeps the earth moist & mellow & in a good condition too *moisten* the seed and bringing forth vegetation. The field is in good condition to work, all (except the prairy part which requires heavy rains being very stiff land the soil will not undergo filtering like the [bottoms] on account of the few rains and strong winds The atmosphere has become impure which has produced sickness among the negroes. they complain principally of pains in the breast and sides—rumatisoms &c &c &c—The months of February and March has been practically dry. We commenced Ploughing on the ninth of February. The ground was in an excellent condition and broke up well, we had very little rain during this month not sufficient to prevent the Ploughs from running. On the 22 of March we finished braking up the whole plantation (the middles in both cotten & corn ground) the ground was in excellent condition. Commence planting corn on the 17 day of February. Finished ploughing [planting] corn on the 25 *Feb.* Corn up on the 26. Commenced Minding birds on the 26 Febr—commenced planting cotton on the, *1, of March* Commenced planting cotten in the Prairry field on the 9 of March. Finished planting cotton on the 26 March Cotton up on the 14 of March. Commence running round the cotten with a one horse plough on the 31 of March. hoes commenced on the 2 of April.

Commenced ploughing corn on the 23 of March hoing corn on the 24, of March, Finished hoing and ploughing on the 31.

Planting potatoes on the seventh of March finished Planting on the 10 of March. Potatoes coming up on the 26 of March—

Stephen S. Perry

Delinquences during the months from the 17 January to the [first] of April.

	Number of days sick—
Allen	24
Bill	Day and one-halfe
Silvey	Sick 1
George	" 3
May Ben	" 4
Ben	" 3
Tom	" 3
Clenen	" 2
Mary Ann	" 11
John	" 9
Peter	" 2
Bob	" 1
Beckey	" 3

[On a slip of paper attached to the last sheet of the Synopsis was the following:]

Silvy absent from the field Days working at the house

	Days
Silvey	11
George absent	4
Becky working at the house	14
Wesly absent	1

April	Ocupation	Delinq
1	Ploughing cotten finished hoing	Beckey absent
2	Sunday	
3	Ploughing cotten and hoing cotten	Becky Wesley Robert absent
4	Ploughing cotten and hoing cotten	George absent
5	Ploughing and hoing cotten	Mary sick
6	Ploughing and hoing cotten	George absent
7	Ploughing and hoing cotton The corn and Cotten want rain Corn wants rain worse than the cotten	George absent
8	Ploughin cotten and hoing cotten in the bottom field	George absent
9	Sunday No working to day	
10	Ploughing and hoing cotten Finished Ploughing Cotten in Bottom field, Commenced Ploughing in Bottom part of the Prairy field.	Beckey absent
11	Ploughing and hoing cotten Cleaning out the well in the pasture	Beckey Tom Simon absent from the field
12	Ploughing and hoing cotten finished in the Bottom field, hoing potatoes Finished Cleaning out the well in the pasture	Tom Simon Doctor cleaning out the well
13	Commenced scraping Cotton in the Prairy field. Ploughin cotten in the Prairy field	Beckey absent
14	Ploughing and hoing cotten	Beckey absent
15	Ploughing cane and hoing cotten First time the cane has been ploughed this year	Beckey absent
16	Sundy	
17	Finished hoing cotten, hoing and ploughing cane Need left this morning for Chocolet (Sam coming in his place)	Beckey absent Ben sick
18	Commenced ploughing corn hilling it up and ploughing out the middles. Corn looks very well indeed wants rain very much good stand in all of it except the cotten ground replant not all come up	Ben Becky Betsey sick Silvey absent

April	Ocupation	Delinq
19	Ploughing corn seven ploughs runing Commenc hoing this morning about 10 Oc Robert left for Choclet on the 17 of April With Need carryed two mules with him	Betsey Beckey Sick Silvey absent
20	Ploughing and hoing corn	Betsey Beckey sick Silvey absent
21	Very cloudy this morning Ploughing and hoing corn	Betsey Beckey sick Silvey absent
22	Ploughing and hoing corn	Betsey Beckey Allin Sick
23	Sundy	
24	Ploughing and hoing corn	
25	Ploughing and hoing corn	
26	Wednesday. Rained from 10 oc AM to one. Wet the ploughed ground about 2 inches.	
27	Thursday. fair (finished hoing corn 3 o'clock P.M.)	
28	Friday—Cloudy in the morning fair prospect for Rain Rained in the night hard	
29	Saturday. Set out Sweet Potato Sprouts with 8 hands. 1 Hand Cooking old Sarah Sick 2 Hands Halling wood 2 hands Grinding in the afternoon driving up Cows & Calves 3 Hands work on the Road between Crosbys and Brazoria by order of Majr. J. P. Caldwell overseer	
May 1	Monday May 1st. 4 ploughs started again in Cotten plowing Cotten on the cut N.E. of Gin 12 Hoe Hands finished seting out potatoes before Breckfast, and went to replanting Cotten in the Prairie field—at least one third missing	
2	Tuesday 2 11 Hands finished Replanting Cotten in prairie field againt Breckfast and went to Hoeing Cotten in the Cut N.E. of Gin—1 Hand Bob with Caraige to Canney	
3	Wednesday 3 Ploughing Cotten with the shovl plogh and runing around with a one horse plough, hoing cotten cutting the Cotton out to a stand Ploughed the potatoes	
4	Thursday 4 Finished ploughing with the shovel plough to day in the bottom field. Commenced with the two shovel. Ploughes in the Prairy field. Ploughing with one horse plough. Cutting the Cotten out to a stand fine prospects for a good crop of cotten. corn tassoling	
5	Friday 5 Ploughing Cane and Cotten Finished ploughing cane to day	

May	Ocupation	Delinquences
6	Ploughing Cotten in the Prairy field hoing cotten out to a stand in the bottom field	
7	Sunday	
8	Ploughing cotten in the Prairy field Commenc Cutting the Cotten out to a stand in the Prairy field	Mary sick
9	Ploughing and hoing cotten in the Prairy field Cotten coming up in the prairy part since the rain in the hard places think that I will get a tollerable good stand	Mary sick
10	Finished Ploughing in the Prairy field to day. Commenc ploughing out the middles with the sweeps on that Cut next to the Corn on the south side of the gin, hoing the cotten out to a stand in the prairy field	May & Bill Sick
11	Ploughing cotten Finished hoing cotten in the prairy field. Commen hoing that Cut South of the Gin next to the Corn—	
12	Ploughing corn, Commenc hoing corn to day	
13	Sunday	
14	Ploughing and hoing Corn	Wesly Sick
15	Ploughing corn on the north side of the ditch, hoing Corn on the South side of the ditch	Wesly Sick
16	Ploughing and hoin corn	Wesly Sick
17	Ploughing and hoing corn	Wesly Sick
18	Finished Ploughing the Corn to day about 12 o.c Commenc braking out the Cotten Ground	Wesly Sick
19	hoing corn and Ploughing cotten	Wesly Sick
20	hoing Corn and Ploughing Cotten on the West side of the gin	Wesly Sick
21	Sunday	
22	Houing corn part of the day, commenc hoing potatoes about nine Oc Ploughing Cotten, on the west side of the gin,	Ben sick Bill sick Wesly sick
23	Hoing Potatoes and ploughing Cotten on the West side of the gin	Ben sick Wesley sick
24	Ploughing cotten and hoing Potatoes until (nine) of (ten Oc) Making potatoe ridges in the corn	Tom sick Wesly sick
25	Finished running around the Cotten on the north eist side of the gin hoing Cotten on the North east side of the gin	Tom sick Wesly sick
26	Ploughing cotten in the Prairy field hoing cotten on the east side of the gin	Wesly sick
27	Finished Ploughing the Cotten in the bottom part of the Prairy field—hoing Cotten on the east side of the Gin north of the midle turn row and south of the Potatoe patch Killed a beef this morning	

May	Ocupation	Delinquences
28	Sunday	
29	Ploughing cotten on the south east side of the gin north of the turn row hoing cotten there also (Cotten boles Cottin boles)	
30	Finished Ploughing the cut on the south side of the gine and north of the turnrow Commenc ploughing out the midles on the other side of the turnow	Tom run off
31	Ploughing out the middles on the same side of the turn row, Howing corn	Tom run off
	Absent from home untill the seventh of June	Tom run off
Month of June 7	Ploughing cotten in the Prairy field, runing out the middles, hoing cotten, Ploughing cane with a double horse Plough—	Tom come in
8	Finished Ploughing and hoing the Prairy cottin to day about Twelve and one Oc Ploughing the slip potatoes also hoing the Potatoes, Commenc braking out the midles in the bottom field on the north side of the gin to the right of the middle turn row,	
9	having rained all night was too wet to hoe the potatoes or plough Cotten, spent part of the day hoing cane having rained halfe of the day assorting the corn from the shucks and shelling corn to grind	
10	Plough hands hoing cane until breakfast time, they then cut wood untill dinner time Doctor and Allen halling wood & cotten Bill's gang hoing cane all day. Ploughs commenc runing after dinner,	
11	Sunday	
12	Commenc ploughing out the midles north of the slue and on the right of the gin next to the corn hoing potatoes	
13	Finished Ploughing the cut of cotten on the right of the gine and north of the slue Ploughing the cut south of the gin and on the left of the turnrow going down Finished hoing potatoes and Commenc hoing the cotten following the Ploughs, Fine cotten nearly as high as my hand Bold hoed out the turnrow and as fare down as the gin	Becky sick
14	Ploughs stoped on account of the rain hands have been employed a variety of ways some carrying shuck some getting board timber and some hoing down the the large weeds in the fields Cleaned the ridge where the Bo dark is planted	
15	Four hands getting board timber Three of the hand gon halfe of the day after basket timber, Clenen and Allen halling board timber the other halfe Bob with John and Simon was together with Bill's gang hoing cotten very wet hoing	Carlin sick
16	Commenc ploughing this morning six ploughs runing and two sweeps Finished hoing the Cotten cut next to the corn and north of the slue	Carolin sick

June	Ocupation	Delinquences
17	Ploughing cotten hoing cotten south of the slew and next to the corn—Wesly has a sore shine which is nearly well, we have been doctering him by applying a plaster of fresh cow menure which is very good—	
18	Sunday Sunday	
19	Ploughing and hoing cotten south of the gine hoing on the right hand side of the turnrow Ploughing on the other side—	John sick this morning
20	Finished Ploughing out the midles today about (—) Oc. I have Ploughed out all the middles on the Plantation all hands hoing the cut on the south side of the gin and west of the turnrow. Two sweeps runing on the cut West of the gin and South of the ditch	
21	Two sweps runing, all the rest of the hand hoing excep Ben who is making bords	
22	Two sweeps runing so the rest of the hands are hoing cotten, having finished that cut south and west of the gin, Commenced hoing on the west side and of the gin and north of the slue,	
23	Two swep runing after two Ploughs hoing cotten and Ben is making boards, Droped the sweep today about 12 Oc	
24	Droped the sweeps and commenced ploughing again, finished this cut to day about 12 Oc hoing cotten with the remainder of the hands in this same cut,	
25	Sunday	
26	Commencd ploughing out the middles in the cut south of the slew next to the corn and on the east side of the gin Hoing the cut north of the slew and east of the gin, Three sweeps runing in the Prairy field	
27	Three sweeps runing in the prairy field Sam, Tom, and Bob Finished hoing cotten Wednesday the 26 hoed out the turnrow hoing potatoes in the corn cutting down the weeds in the corn	
28	Sweep runing, Cutting down weeds in the corn	
30	Sweeps running in the Prairy field, Cutting out the weeds in the Prairy field—	
August the 17	Picking cotten in the Bottom field Commenced yesterday on the cut south of the gin and east of the turnrow	
19	All hands commenc picking cotten to day the first fair day we have had since I have commen[ced] picking—	Georg sick
October the 11, 1848	Stoped picking cotten We have picked, 154188	
November 1	We had a light frost the first this year.	

	Ocupation	Delinquences
November the, 4,	We had frost quite heavy	
November the 5	Very heavy frost the suger cane was Killed on the fourth of November commenced cutting cane on the 4 of November	
November the 6	Frost not quite so heavy as the night before cane all killed,	
Nov the	Finished cutting cane	
November the 21, 1848	Finished diging potatoes The Potatoes turned out very well this year—	
November the 24,	The gin commenced running—	

CHAPTER XXXIV

THE SECESSION MOVEMENT IN TEXAS

By Charles W. Ramsdell

[This selection constitutes the introductory chapter of Professor Ramsdell's *Reconstruction in Texas* (Columbia University Press, New York, 1916). It is a brief survey of the rise of the secession movement in Texas, the most important topic in the history of the State during the first fifteen years following annexation. For more detailed treatment see the two articles by Anna Irene Sandbo (pages 459–485). Read: Garrison, *Texas,* Chapters XXII, XXIII; Barker, Potts, and Ramsdell, *A School History of Texas,* 203–213.]

For nearly a decade after the annexation of Texas to the Union the questions uppermost in the public mind of the state were the local issues growing out of the days of the Revolution and the Republic. The heavy state debt, the ravaged frontier, and the boundary dispute determined the complexion of the party platforms and measures and furnished the staple subjects of political discussion. Issues of national policies held second place until after the Compromise of 1850, which settled the boundary question, and at the same time provided the means of paying off the state debt. The protection of the frontier was to be a problem for twenty-five years more.

Gradually, the questions involved in the great dispute over slavery forced themselves upon the immediate attention of the people of Texas. Slavery had existed in the state ever since the Anglo-Americans had first pushed their way into the wilderness; and climatic conditions, agricultural development, and constant immigration from the older southern states had contributed to the spread of the institution. It had rooted itself most firmly in the populous eastern and southeastern counties, along the Sabine, Trinity, Brazos, and Colorado rivers, where the plantation system was in almost exclusive possession of the country and conditions, social and economic, were practically identical with those existing in the older slave states. In the other regions there were fewer slaves and correspondingly more free labor. The northern counties contained a large number of settlers from Illinois, Indiana, and Kentucky who were mostly non-slaveholding; the frontier counties, running south through the middle of the state, had only a small proportion of slaves, and the southwest, with a heavy German population, had fewer still. However, in these districts, except, pos-

sibly, the last—for the Germans were still segregated and unfamiliar with the institution—the absence of slaves argued no hostility to the ownership of human chattels, but simple inability to own them. Texas was still a new country, half covered with savages, and most of the people were poor after the manner of pioneers. Standing between the old South and the new West, partaking of the character of both, every year of slavery saw her drawn closer to the former; and it was inevitable that she should soon find herself in the political current setting so strongly toward secession.

It was the fight over the Kansas-Nebraska Bill that first drew Texas into the arena of national politics. Sam Houston, then United States Senator, opposed the bill and lost much of his popularity thereby; for most of the voters and political leaders were state-rights Democrats. Nevertheless, he was backed by a strong following of independent Democrats, old line Whigs, Know-Nothings, and others who deprecated agitation of the slavery question as dangerous to the peace and permanence of the Union. The feeling aroused in the contest over Douglas's bill was intensified by the quarrels over the Fugitive Slave Law and particularly by the outbreak of the border war in Kansas. In 1857, after an exciting canvass, Houston was defeated for the governorship by H. R. Runnels, the Democratic nominee and an extreme state-rights man. However, Texas had not yet given permanent adhesion to extreme measures and the strong conservative element became alarmed at the disquieting utterances of some of the radical Democrats, who were now advocating the purchase of Cuba, the promotion of filibustering in Central America, and the reopening of the African slave trade. These propositions were never popular in Texas and the Democratic organization never championed them; but because of a few inconsiderate and hot-headed leaders, the party fell under suspicion, and in 1859 conservatism was able to administer a severe rebuke by reversing the decision of two years before. Runnels and Lubbock, again the Democratic nominees for the chief state offices were defeated by Houston and Clark, and T. N. Waul, Democratic candidate for Congress from the western district, was beaten by A. J. Hamilton, who ran on the Houston or Independent ticket. In the eastern district, John H. Reagan, Democrat, was successful.

In October, John Brown made his raid on Harper's Ferry. The effect in Texas was to neutralize the results of the recent conservative victory, and to place the fire-eating section of the Democarcy in the ascendancy. When the legislature met in November it elected to a vacancy in the United States Senate, Louis T. Wigfall, the most rabid state-rights man in Texas and one particularly obnoxious to Houston. The course of the debates in Congress and the speeches of Republican leaders were followed with the liveliest apprehensions, and talk of secession as the only way to safety from abolitionist aggression became common. In the national Democratic convention at

Charleston in April, 1860, the Texas delegates bolted along with those from the other southern states, and at Baltimore helped nominate the ticket headed by Breckenridge and Lane. The situation was far beyond the control of Governor Houston, but he made tremendous efforts to still the rising storm. Under his leadership the Unionists gathered to the support of Bell and Everett, in the vain hope that evasion of the great issue would bring peace. When the state-rights extremists declared that the election of the "Black Republican" candidate, Lincoln, would be a declaration of war upon the South and would necessitate secession, he denounced them as traitors, and insisted that secession was an unconstitutional and revolutionary measure, and could be justified only after the federal government should begin aggressions upon the slave states. Until that time should come, he pleaded for caution and for confidence in the government.

When the result of the election was positively known, the secessionist leaders determined to act. In nearly all parts of the state mass-meetings were held and resolutions passed, requesting the governor to assemble the legislature at once in extra session in order that it might provide for a convention to act for the state in the emergency. In most cases it was clearly intended by the agitators that the convention should frame and pass an ordinance of secession; but there were some who wished it to go no further at first than to appoint delegates to consult with the other slave states and seek from the free states a renewal of the constitutional guarantees of property in slaves. The plan for a state convention was checked for a time by the refusal of Governor Houston to convoke the legislature; and despite a flood of letters, editorials, and resolutions conveying entreaties and threats, he held firm. But the men with whom he had to deal were as determined as he, and if they could not secure the convention in a regular way they would have it in another. On December 3, 1860, a group of secession leaders at Austin drew up an address "to the people of Texas" suggesting that the voters of each representative district hold an election on January 8th, under the order of the chief justice of the district or of one or more of the county commissioners or at the call of a committee of responsible citizens, vote for twice as many delegates as the district had representatives in the legislature, and make returns of the election to the persons ordering it. The delegates were to meet in Austin on January 28, 1861. Extra-legal and revolutionary as the plan was, it won the endorsement of the secessionists everywhere, and by its very audacity at once gave them a great advantage over the Unionists, whose defensive and negative opposition only assured the election of secessionist delegates.

Outflanked, Houston now called the legislature to meet one week before the convention. Soon afterward came the news that South Carolina, Georgia, Florida, Alabama, and Mississippi were already out of the Union. Not all of the counties held elections for the

convention—for some districts were too strongly Unionist and others lacked organization—but of the delegates elected nearly all were secessionists. To the objection that it was an assemblage without authority under the law, the followers of Houston now added another—that it represented only a minority of the people. When the legislature met the governor sent in a message in which he still insisted that the rights of the people could best be maintained in the Union, advised against hasty action, and intimated that the approaching convention was an illegal body. The legislature, however, displayed little sympathy with his views, and passed a resolution recognizing the full authority of the convention to act for the people, except that its action upon the question of secession should be submitted to a vote of the people.

The convention met on January 28th, as arranged. Associate Justice O. M. Roberts, one of the authors of the call, was elected president; a committee was appointed to wait upon the governor, and another to draft an ordinance of secession. The first found Governor Houston willing to concede the authority to secure "an expression of the popular will," because of the action of the legislature, but reserved as to other powers. The second committee reported an ordinance setting forth the reasons for secession, namely, that the Federal government had failed to give protection to the persons and property of citizens of Texas upon the frontier, that the northern states had violated the compact between the states and the guarantees of the constitution, and that the power of the Federal government was now sought as a weapon to strike down the interests and prosperity of the people of Texas and of her sister slave-holding states. It was, therefore, declared that the ordinance of annexation of 1845 was repealed and annulled; that all the powers which had been delegated by Texas to the Federal government were revoked and resumed; that Texas was of right absolved from all restraints and obligations incurred by the Federal compact, and was a separate sovereign state; and that all her people were absolved from allegiance to the United States. The ordinance was to be submitted to the people for ratification or rejection on February 23d, and, if carried by a majority of the votes cast, should take effect March 2, 1861. A resolution was offered to strike out the clause submitting the ordinance to a popular vote, but it was voted down. On February 1st, in the presence of crowded galleries and hall and a number of invited guests, including the governor, the vote was taken and the ordinance passed overwhelmingly, 166 to 7. Among those voting "no" was J. W. Throckmorton, of Collin, afterwards reconstruction governor.

The convention did not stop here, but took it upon itself to transact a vast amount of business not even hinted at in the call under which its delegates were elected. Commissioners from the other seceded states were present urging participation in the general government being organized at Montgomery, Alabama; and the convention,

anticipating the popular adoption of the secession ordinance, elected seven delegates to Montgomery.[1] At the same time the senators and representatives at Washington were informed of the action of the convention. A "committee of public safety" of nineteen members was appointed and endowed with extensive powers for the defense of the state. Among other things it was authorized to remain in session during recess, to appoint officers and commissioners to carry out its plans, and to keep its operations secret. On February 5th the convention adjourned until March 2d.

One of the first projects of the committee of public safety was to secure the munitions of war in the possession of the United States troops in western Texas. These troops, about 2,500 in number, were commanded by Major-General D. E. Twiggs, with headquarters at San Antonio. He was a Georgian and his sympathies were with the South; and it may be said in partial extenuation of his later action, that since the middle of December he had been incessantly appealing to Washington to know what he should do in case Texas seceded, and had received no instruction in reply. The committee waited upon Governor Houston and secured his approval of their designs, and then opened negotiations with Twiggs on February 9th for a surrender of the federal stores on March 2d. The negotiations had not been concluded when on the 15th it was learned that General Twiggs had been relieved by Colonel Waite, who was not expected to be so compliant. Waite had not yet arrived, however, and during that night a large body of state troops under the command of Ben McCulloch were rushed into San Antonio and placed at points of vantage. Nothing but surrender of the stores would avoid a conflict now, and terms were agreed upon two days later. The troops were allowed to retain their arms, the light batteries and sufficient supplies and equipment for transportation to the coast, where they were to embark for the North. Waite arrived next day, too late for anything but acquiescence in the terms. Twiggs was dismissed from the United States Army for "treachery to the flag of his country," and was eulogized by resolution of the Texas legislature as a "pure patriot." His surrender was undoubtedly "a military necessity" at the time it occurred, but he might have forestalled it had he chosen to act in time, concentrate his forces and retreat, if necessary, to New Mexico.

In the meantime other state troops under Colonel Henry McCulloch had received the surrender of the small federal posts north of San Antonio; and Colonel John S. Ford, with a third party, had done the same for the lower Rio Grande valley and the adjacent coast region.

While these events were taking place, the campaign for the rati-

[1] The delegates were Senators Louis T. Wigfall and John Hemphill, with John H. Reagan, John Gregg, W. S. Oldham, Wm. B. Ochiltree and T. N. Waul.

fication of the secession ordinance was closing. The authors of the measure were determined that it should not be defeated; the Unionists, unorganized, were making a last desperate stand. It was a time of wild excitement; intimidation and violence too often replaced argument. Charges of unfair tactics and of fraud came up from all parts of the state against the secessionists, who controlled for the most part the machinery of election. There are scores of persons living to-day who insist that the majority of the people were opposed to secession, but that enough were kept from the polls by intimidation to determine the result. That is hardly probable; but what the result would have been, if the election could have been carried through in a quiet spirit, cannot be said with absolute certainty. However, when the convention came together again on March 2d, the returns showed 44,317 for the ordinance to 13,020 against it.

Governor Houston regarded the work of the convention as finished; the people, he argued, should be allowed to call another convention if other important work was to be done. But the members had no intention of giving way, and regarded the vote for secession as a sufficient endorsement of their actions to warrant them in doing more. Accordingly the convention, when reassembled, formally approved the provisional constitution of the Confederacy, gave official character to the delegates representing the interests of Texas at Montgomery, and urged them to secure the admission of Texas to the new Union. Houston had acquiesced in secession, but to this later action he was bitterly opposed, regarding it as wholly unauthorized by the people and an arrant usurpation of power. He refused to recognize the convention any longer. It replied by a declaration that it not only had power to pass and submit the ordinance of secession, but also possessed and would exercise the right to do whatever might be incidental to the same, and necessary for the protection of the people and the defense of the state. In pursuance of the supreme powers thus asserted, the convention next proceeded so to modify the state constitution that it should conform to the constitution of the Confederacy—for the Texas delegates had now been admitted to the provisional Congress. Among other things the convention prescribed an oath of office professing allegiance to the Confederacy, and ordered that all state officers must take this oath or vacate their offices. When notified, all responded except Governor Houston and his secretary of state, E. W. Cave, the former replying orally that he did not recognize the existence of the convention. It was known that the removal of the governor was imminent, and an indignation meeting of the numerous Unionists in the vicinity of Austin was held at which Houston and A. J. Hamilton, who had just returned from Congress, made speeches denouncing the course of the convention. On the same day, March 16th, the office of governor was declared vacant and the lieutenant-governor, Edward Clark, was instructed to take up

its duties. Upon retiring, the venerable governor issued, as an address to the people, a spirited but dignified protest against the "usurpations" of the convention. He made no further resistance and soon retired from public life, to die two years later. An effort of the Unionists in the legislature to repudiate the deposition of the governor was defeated, and the members themselves were required to take the oath. On March 23d the Constitution of the Confederacy was formally ratified and its authority extended over Texas. Three days later the convention adjourned *sine die,* leaving the reorganized state government to resume its wonted authority.

CHAPTER XXXV

THE GROWTH OF THE SECESSION MOVEMENT IN TEXAS

By Anna Irene Sandbo

[Unfortunately this very excellent study of the growth of secession sentiment in Texas has to be abbreviated. The study begins with a brief sketch of the development of slavery in the United States and of the beginning of slavery in Texas. Section II of the article describes the indifference of the Texans before 1854 to the slavery controversy that was rending the United States. Section III takes up the rise of the secession movement in Texas after 1854, treating the subject under the following topics: (1) The Beginning of Political Parties in Texas; (2) Houston Censured for Vote on the Kansas-Nebraska Bill; (3) The Gubernatorial Campaign of 1857; (4) The First Threats of Secession; (5) The Question of Re-opening the African Slave Trade. All these topics are omitted. This selection begins with the sixth topic under Section III—namely, the Gubernatorial Campaign of 1859. The complete study is published in *The Southwestern Historical Quarterly,* XVIII, 41–73, 162–194. For a phase of the secession movement in Texas not covered by this section see: Ramsdell, "The Frontier and Secession," in *Studies in Southern History and Politics* (Columbia University Press, New York, 1914). Read: Garrison, *Texas,* Chapter XXIII; Barker, Potts, and Ramsdell, *A School History of Texas,* Chapter IX.]

The Gubernatorial Campaign of 1859

The issue in the gubernatorial election of 1859, so far at least as the leaders were concerned, was "union" or "disunion." The platform adopted by the Regular Democrats at Houston endorsed all the old planks in both the national and state platforms, and then declared the Dred Scott decision to be a true exposition of the constitution, and that the Democrats were in favor of the acquisition of Cuba as imperatively necessary to their self protection. A resolution favoring the reopening of the slave trade was, after much heated discussion, tabled by a vote of two hundred twenty-eight to eighty-one, and a resolution condemning the same measure was tabled unanimously. Runnels and Lubbock, exponents of the pro-slavery and anti-union doctrine, were nominated for their respective positions.

It seems that the Unionist forces had no definite organization. But at a public meeting at Brenham, Houston and Edward Clark were nominated by acclamation. Houston accepted the nomination in a letter in which he declared himself a National Democrat and an-

nounced that the Constitution and the Union embraced the principles by which he would be governed if elected. He declared that they comprehended all the old Jackson National Democracy he had ever professed. In it he promised protection to the frontier, protested against the reopening of the African slave trade, extolled the federal union, denounced his opponents and appealed with great effect to his old comrades of 1836.

The campaign that followed was very bitter. Against Houston were arrayed the whole party machinery, most of the prominent public men and nearly all of the influential newspapers. Houston was again subjected to all the abuse that had been heaped upon him in the former canvass. Because of his votes in the Senate on the slavery measures, and because of his attitude toward the New England ministers, he was accused of betraying the state and the South to further his ambition to attain the presidency.

Houston conceived the entire system of conventions to be inconsistent with Democratic principles and subversive of the rights of the people. This attitude toward the framework of the state rights party which was believed to be the only bulwark between the people and northern aggression as well as his affiliation with the Know-Nothing party was made the occasion for abusive articles by the opposition press. Old charges of insincerity, immorality, and cowardice from the days of the Texas revolution were reopened, emphasized, and spread broadcast throughout the state.

Houston and his adherents, in their turn, accused the Democratic leaders of disunion and treason and of advocating the reopening of the slave trade. Governor Runnels's frontier policy was attacked with great vigor, for both the Indians and Mexicans were very troublesome, and Runnels had not been able to keep them in check. That the reason for such a state of affairs, was probably more the fault of the United States government than of the governor, the people did not see. Houston had been fairly successful in his dealings with the Indians when he was at the helm of state affairs, and this fact no doubt, as well as his great personal popularity with the common people, played an important part in his overwhelming victory at the polls in 1859.

Houston announced his candidacy in nearly all the anti-Democratic papers as follows:

"Announce Sam Houston as a National Democrat, a consistent supporter of James Buchanan in his struggle with Black Republicans, and the little less dangerous Fanatics and Higher Law men at the South, as candidate for Governor." During the whole bitter controversy and everywhere he went, Houston made eloquent appeals for the preservation of the Union.

That the struggle was a fight principally between the lovers of the Union and those who wished to secede, was also shown in the posi-

tion John H. Reagan assumed toward the movement, and by the abuse he received in consequence, as well as by the fact that the Democratic nominees were placed on the defensive in the campaign. Reagan was forced by Guy M. Bryan to give in Congress his views of the situation. Reagan declared himself against sectionalism, the demoralizing doctrines of filibusters, and the dangerous heresy of reopening the slave trade. As soon as the contents of this speech became known in Texas, the Democratic press charged him with being too national for a proper representative of a Southern constituency, and heaped upon him vile personal abuse. As a result of this he decided to stand for re-election, went to Texas, and was re-elected by a large majority over his opponent, William B. Ochiltree.[1]

The *Texas Enquirer* upheld the Democratic party against the *Southern Intelligencer's* accusation that the party favored secession. It maintained that no word had been spoken by any man of any prominence in the state connected with the Democratic party about secession as a probable event, or as anything likely to occur, at least not unless the same should be forced upon the South as a choice between remaining in the Union with positive disgrace on the one hand, and of going out of it on the other hand.

Lubbock also was forced to defend his position on the subject of the slave trade. In an open letter to the editor of the *Galveston Union,* he stated that he had been renominated by a convention that had emphatically rejected a resolution in favor of reopening the slave trade. In an open letter to the chairman of the state executive committee, endorsing Lubbock's letter Governor Runnels says: "I am now, as I have ever been, for the Union under the constitution and the strict maintenance of the supremacy of the laws; and I do not consider that there is any cause for a dissolution of the Union at this time."

It seems that the primary object of the Democratic leaders at this time was to preserve their rights in the Union if they could; but at the same time they were preparing the minds of the people for the idea of withdrawing from the Union should a situation arise in which these rights would be threatened. That such might be the case in the near future, it took no seer to discern. The final crisis seemed to depend upon the presidential election the following year.

Houston had always been a state rights man, and although he himself upheld the federal doctrine that secession meant revolution, both he and his adherents firmly believed that it was a matter of expediency to remain in the Union, that the rights of the state could

[1] Reagan says in his *Memoirs,* page 71, that the Texas newspapers were so full of abuse that he was forced to burn the papers that reached him to keep his wife from seeing them. Being in doubt whether he should stand for re-election and wishing to know his wife's views on the subject, he finally let her see the papers and explained to her the reason for such an unwarranted attack. She immediately advised him to return to Texas and stand for re-election.

be better preserved in the Union than out of it. The Democrats, on the other hand, held that the state had a right to secede, and that to secede would probably soon be a wise course to pursue. The outcome of the election was a decisive defeat for the party which had controlled the affairs of the state since 1845, as far as congressional representation and the governorship were concerned. But this did not necessarily imply that the sentiment of Unionism had triumphed in Texas. As has already been stated, there were other factors that played an important part in the election. And the Democratic party had by no means been defeated, for the Democrats still controlled both houses of the legislature.

What Union sentiment there was in Texas in 1859 received a rude shock in the John Brown raid at Harper's Ferry. This was fully believed to be a premeditated attack by Northern abolitionists upon the institutions of the South; and the result was soon seen in Texas. Louis T. Wigfall, one of the most radical men in the state, and Houston's most bitter opponent, was elected to the United States Senate just before Houston's inauguration. According to one leader the election was due to the resentment against the Harper's Ferry outrage, and there are indications that this opinion was shared by many. To elect him, however, a party caucus was necessary. Since Wigfall at the time was a member of the state senate, it also became necessary to reinterpret a clause in the state constitution referring to the ineligibility of a member of the legislature to any other office.

Immediately after his election, Senator Wigfall addressed the legislature on the all-absorbing question of the day. In his opinion Congress had no right under the power to regulate commerce to declare any branch of trade piracy. He reprehended the attempt he had seen to read Democrats out of the Democratic party because they held opinions favorable to the reopening of the slave trade. He denied the right of Congress on principle to prohibit either the foreign slave trade or the slave trade between the states, and as for himself, he was a Southern rights man, a state rights man, and a Democrat. This speech was highly commended as representing the views of the regular Democrats.

Governor Runnels in his last message to the legislature also proclaimed the views of the party and foreshadowed the final result of the movement now fully inaugurated by the leaders of the secession movement. He upheld the doctrine of state sovereignty, and doubted very much that the general government would be able to uphold and protect the rights of the South. He thought that as soon as it should become evident that the United States could not do so, the only thing for the Southern States to do would be to coöperate in protecting themselves. In conclusion he said:

> If there can be no longer unity and harmony of sentiment, if the Southern people are no longer to look to it [the federal government] as the chief reli-

ance for the maintenance of their equal rights, their internal peace and security, the sooner it is known the better. They should neither cheat, nor should they submit to be cheated. I therefore recommend a clear and unequivocal expression of opinion by the legislature on the subject. Equality and security in the Union, or independence outside of it should be the devout conviction, that if guided by wisdom, prudence, sagacity and patriotism, the Divine Being will smile on your councils, and that all may yet be well.

Governor Houston soon learned that his task would be an extremely difficult one. All the criticism, disparagement, and party animosity exhibited by the Democratic party during the campaign continued. He had learned before he entered upon his duties as Governor that the legislature was hostile, and he was soon to learn that the Democratic leaders were determined that the state should withdraw from the Union, no matter what action he took to prevent it.

Houston at his inauguration confined the greater part of his speech to local affairs. In regard to the slavery controversy he said he hoped that the federal government would soon attain a happy result in preserving the Constitution and the Union, notwithstanding the present discord between the two sections. He then strongly advised against heated controversies that would only aggravate the evil.

In his first message he was very conciliatory. He was glad that the masses in the North were willing to abide by the Constitution and put down the fanatical efforts of the abolitionists who were endangering the safety of the Union. He hoped their efforts would terminate the slavery agitation. And in conclusion he declared that the people,

satisfied that the men whom they elected at the ballot box to represent them in Congress will bear their rights safely through the present crisis, they feel no alarm as to the result. Texas will maintain the constitution and stand by the Union. It is all that can save us as a nation. Destroy it and anarchy awaits us.

The Legislature on the South Carolina Resolutions

Soon after this Houston received the South Carolina resolutions on federal relations. These expressed the sentiment of South Carolina on the loss of Kansas to slavery and on the Virginia raid by John Brown. In the preamble the right of secession was affirmed. The resolutions recommended immediate and united action by the Southern states, and requested them to appoint deputies and adopt measures to promote a Southern convention.

On the receipt of these resolutions, Governor Houston sent them, together with a special message, to the legislature. The whole message was devoted to the exposure of the fallacy of the doctrines of nullification and secession. He maintained that the action of South Carolina was without just cause; that even if there were no constitutional objections to the course suggested by the resolutions, no advantages could be gained by the Southern states in seceding from the

Union; that the same evils would remain, and there would be no federal government, able and willing, to maintain the rights of the state; that the ungenerous assaults by the North upon slavery would exist from like passions and like feelings under any form of government; that the only hope for the country was in the Constitution and the Union; and he made a passionate plea for these against the fanatics in the North and the scheming, designing, and misguided politicians in the South. He recommended that resolutions be adopted dissenting from the assertion of the abstract right of secession and refusing to send delegates for any existing cause, and finally urged upon all the people, North and South, the necessity of cultivating brotherly feeling, observing justice and attending to their own affairs.

Although no final action was taken by the legislature upon the South Carolina resolutions and the governor's recommendations, majority and minority reports were submitted by the committees to which they had been referred. These reports show that the legislature in the spring of 1860, although strongly Democratic, was by no means unanimous as to what action should be taken by the state. That no definite action was taken indicates that the legislature did not at that time consider the situation very grave. The committee appointed by the senate unanimously agreed that the state was determined to preserve, adhere to, and defend the Union and the Constitution, but the committee differed as to the way it should be done, differed in abstract political opinion, and differed as to the kind of resolutions the legislature should adopt. The majority report, while maintaining the doctrine of the right of state defence against aggression, expressed a firm resolve to defend the Constitution and support the Union. The attempt of the Black Republicans to gain control of the federal government for the purpose of abolishing slavery was declared unconstitutional. And the committee called upon the other states to show their devotion to the Constitution by defeating that party in the coming federal election. The minority report did not admit the constitutional right of secession. Secession was declared to be a revolutionary act justifiable only when the federal government showed itself incapable of protecting the essential rights of the states; nothing so far had occurred to justify such a revolutionary act; hence Texas considered the South Carolina resolution premature and unnecessary, and declined to appoint deputies to a meeting of the slaveholding states. But the committee also maintained that if the federal government should become powerless to protect the rights of the states, the Union would no longer be worth maintaining, and that then Texas would again, as in 1836, raise the revolutionary standard—but, it declared, "Texas has an abiding confidence in the conservative spirit of the American people, and in the continued preservation of the Constitution and the Union."

In the house the majority report upheld the right of secession and

declared that Texas would not submit to the degradation of being ruled by the Black Republican party, but would rather assert her independence. It pledged Texas to coöperate with the other Southern states, if it should become necessary to resist the federal wrongs. The minority report, on the other hand, denied the right of secession, and declared that none of the present alleged evils could be ascribed to the legitimate operations of the federal government, being chargeable to the disloyalty of those who, by obstructing the laws and authorities, were themselves the enemies of the Union; that a dissolution of the Union could cure no evils; that it was inexpedient to send deputies to a convention of slaveholding states, and that there was not sufficient cause to justify Texas in taking any step looking toward the dissolution of the Union. . . .

But this legislature, which in 1860, merely expressed its opinion in regard to the national controversy, coöperated fully with the secession convention the following spring.

When Houston took his seat as governor, the political situation was tense throughout the country. The Compromise of 1850 had stayed for only a short time the progress of the slavery agitation, and with the passage of the Kansas-Nebraska act the contest again became serious. The civil war in Kansas, and the winning of the territory by the freesoilers in 1859, engendered hatred between the two sections. The refusal of the North to abide by the Dred Scott decision, as well as John Brown's raid, fanned the flame of the secession movement in the South. The North was on the offensive, and determined that slavery should extend no further. The South was on the defensive and fully as determined that the solution of the slavery problem should be left to the South. In the event the North should succeed in barring slavery from the territories, the South believed it would soon attempt to do the same thing in the states. And, if the Constitution could not protect the Southern states in their constitutional rights within the Union, they would protect themselves outside of the Union. The entire time of the thirty-sixth Congress was devoted to heated debates between anti-slavery and pro-slavery agitators. The Northern members accused the Southern members of favoring and planning disunion, and were in turn, charged with refusing to enforce the fugitive slave law and to respect the Dred Scott decision.

The leaders of the Texas democracy were just as alive to the situation as any of their Southern brethren. And, as it was a presidential year, the political excitement was great. The task of the South was to secure the nomination of a presidential candidate who favored Southern interests, and who at the same time might be strong enough throughout the country to defeat the Black Republican candidate.

The Texas state Democratic convention convened at Galveston in April for the purpose of electing delegates to the national conven-

tion at Charleston. The platform adopted looked entirely to the national political situation. It again endorsed the principles of the Cincinnati platform of 1856, and the Virginia and Kentucky resolutions; denied that Texas had given up any portion of its sovereignty in becoming a member of the Union; that in case of encroachment of the central government upon its sovereignty, Texas alone should judge of such encroachment; that Texas possessed the right as a sovereign state, to annul the compact, to revoke the powers it had delegated to the federal government and to withdraw from the Union; that every citizen had the right to move his property into any of the common territory, and to have it protected there under the federal Constitution; that while Texas was attached to the Union, the election of a sectional President would force the state to hold itself in readiness to coöperate with the other Southern states in adopting such measures as might be necessary for protection. The resolutions further maintained that the government was founded for the benefit of the white race, and concluded as follows:

> We regard any effort by the Black Republican party to disturb the happily existing subordinate condition of the negro race in the South as violative of the organic act guaranteeing the supremacy of the white race, and any political action which proposes to invest negroes with social and political equality with the white race, as an infraction of those wise and wholesome distinctions of nature which as testified by all experience were established to insure the prosperity and happiness of each race.

That the leaders of the secession movement had become intolerant of any opposition that might tend to block their progress, was shown here also in the expulsion of W. W. Leland, of Karnes County, who was charged with entertaining abolition sentiments.

Texas on the Eve of the Civil War

That the tenor of events in Texas was rapidly becoming threatening to the continued peace of the state is shown by the contents of the Galveston platform. Let us stop for a moment and consider the condition of the state, apart from politics, on the eve of the great struggle between unionism and disunionism within its borders.

During the fifteen years that it had been in the Union, Texas had developed by leaps and bounds. The first census, taken after annexation, in 1847, showed a population, including slaves, of one hundred thirty-five thousand, in round numbers. Three years later, there were two hundred twelve thousand five hundred ninety-two; and in 1860, six hundred four thousand two hundred and fifteen. With this great increase in population had come economic prosperity; the people were prosperous and contented, and, with the exception of occasional Indian raids and troubles with Mexicans, lived in comparative peace.

Frontier conditions prevailed, in the states, it is true, with all their restlessness and freedom; and the status of national politics increased this restlessness. Turbulence and violence were greater in 1860 than at any time during the last few preceding years. During this eventful year the newspapers were full of stories of crimes committed within its borders. *The True Issue* deplored the fact that crime was on the increase and that the criminal laws were not enforced. One editorial stated that "high-handed criminality stalks abroad through the land, and bloody deeds of violence and of vengeance are transpiring constantly to mar the peace and harmony of society. . . . Human life hangs on the merest thread. No man's life is safe." William North, residing in Galveston at this time, says: "Such are the issues of life and death in Texas that a man is a little nearer death there all the while than in any other country we know of."

The atmosphere was filled with excitement and alarm. Reports were circulated, often unfounded, of negro uprisings and wholesale poisonings. Incendiary fires occurred in many parts of the state. A three hundred-thousand-dollar fire of incendiary origin occurred at Dallas, followed by many others in the surrounding country. The arrest of suspects led to the detection of a plot to perpetrate such acts on a still larger scale. According to a correspondent whose own printing press had been destroyed by the Dallas fire the plot was conceived by certain abolition preachers who had been expelled from that part of the country the year before. It was charged that the plan was to demoralize by fire and assassination the whole of northern Texas, and then, when the country should have been reduced to a helpless condition, a general revolt of the slaves, aided by white men from the North, was to take place on election day in August. Dallas, it seems, was fired for the purpose of destroying the arms and supplies stored there for a certain artillery company. Disastrous fires occurred almost simultaneously with the Dallas fire at Denton, Pilot Point, Belknap, Gainesville, Black Jack Grove, Waxahachie, Kaufman, and Navarro. Arms and quantities of poison were discovered in the possession of negroes, and some negroes were hanged on Red Oak Creek, near Waxahachie. Henderson had a two hundred and eleven thousand dollar fire, considered incendiary, which caused great excitement in the community and led to the hanging of several negroes. A plot was discovered at Lancaster in which the purpose of the abolitionists seemed to be to burn the town and poison the inhabitants.

How much truth and how much mere groundless rumor caused by the excited state of the public mind there may have been in these reports and accusations will of course never be known. Governor Houston and his friends accused the Democratic press of circulating such rumors for political purposes, and in reply the *State Gazette* admitted that rumor had probably coined some statements and exaggerated some facts, but that this was merely strong evidence that

much had happened to excite the apprehensions and call for the vigilance of the people.

Whether founded on fact or not, these rumors were quite generally believed, and caused unrest and intense excitement throughout the state; they also engendered a burning hatred of Northern abolitionists, and gave rise to the formation of vigilance committees for protection.

Nearly every paper warned the people against the abolition enemy, advised the organization of vigilance committees, and urged the speedy execution of all incendiaries who might be detected. *The Centerville Times,* a Sam Houston paper, says: "To show how promptly the people of Texas act in defense of their rights, we may state that since the abolition plot has been discovered, there have been ten white men hung, several whipped, and many requested to make themselves invisible in short order." *The Houston Telegraph* thought it inconceivable that the emissaries of fanaticism could come among the Texans and carry out such plots. It was high time for all true men to come together and in the name of the people put to death or drive out every man who was not a friend of the institution of slavery.

The viligance committees formed in many parts of the state exercised extraordinary powers. The committee at Dallas, immediately after the great fire, hanged three negroes in the presence of a large assemblage of people. The committee of Grimes county was formed for the purpose of keeping the negroes in subordination and effectively ridding the country of all white persons attempting to influence the negroes. The one formed in Austin County had full authority to arrest any suspicious character "and hang him if necessary." Three men were hanged at one time by the Fort Worth committee for tampering with slaves. Several ministers of the gospel were hanged, either for their abolition sentiments or for tampering with slaves. One paper presents to its readers the interesting caption "Another preacher hung," and describes the execution by the Fort Worth committee of a preacher who had been returned to Texas from Arkansas at the request of the committee. His offense seemed to be that he had "prowled about the country" during the summer. His two sons had lost their lives a little earlier for being abolitionists.

There can be no doubt but that these committees perpetrated many wicked deeds. A strong Sam Houston paper, in deploring that such was the fact, concluded, "Let us be understood at once. We are for the Constitution, the Union, and the enforcement of the laws; and we are against all Higher-lawism, mobbery, and vigilance committee usurpations." Military companies were organized, in some cases for the express purpose of coöperating with the vigilance committees, but in most cases for general protection against the negroes and the abolition enemies both in the state and outside of it. The state militia was greatly encouraged and all classes of citizens joined.

In the meantime the Democratic press seemed to have ever in view one thing, the forming of public opinion in favor of secession. Although the press stoutly declared before the presidential election that it did not advocate secession, it prepared the way for a decision on that subject by its editorial discussions and by the publication of timely articles and extracts from speeches of prominent men in Congress either admitting the right of secession or favoring it. The resources of Texas were shown to be such as to make Texas economically and industrially independent of the Northern states. . . .

The Union press put forth its efforts to counteract this influence and to warn the people against the designs of the ultra-radicals. Many articles against nullification, secession, and disunion were contributed. One correspondent of *The Southern Intelligencer* who signs himself "a backwoodsman" likens the Constitution to a kettle, at all times filled with nutritious food, around which Uncle Sam's children, North and South, have been sitting and feasting until they have become fat, pampered and spoiled. Then in an evil and mischievous hour the children of the North attempt to break the slavery leg of this valuable kettle. The result is contention, bloodshed, and ruin to all.

An editorial in the *True Issue* entitled "The Public Pulse," published a few weeks earlier, seems to be an accurate description of the uncertain state of mind of the majority of the people: At breakfast a man says, "I am for secession emphatically; I am a disunionist *per se*"; at noon, "I would willingly go for secession, unless the Black Republicans recede from their position, which I have some hopes of their doing"; at supper, "The condition of the country is truly alarming, and I candidly confess my inability to fathom events that are to come"; at night, "Speak of that matter no more, for d—n me if I know where we are going, what is going to be done, what ought to be done, or what I am in favor of doing." This editorial declares that thousands of men are of the same sentiment; that the people are justly indignant at the intolerance of the North and are willing, if necessary, to imperil their lives for their beloved Texas. "But when they come to weigh the value of this Union, consecrated by the blood of a hundred battles, and made holy by ten thousand glorious recollections, the true patriot pauses in bewilderment at the vastness of the crisis he is called upon to meet, and daring though his heart may be, and firm his nerve, he is overpowered at the contemplation of the bloody crest of Revolution."

The political factions were not idle. Houston took a positive stand in opposition to seccession. Secession to him meant the suicide of Texas, the course by which it would lose all its rights. He dinned into the ears of the people his belief that secession would prove a stupendous failure, and that they would lose by it that very state sovereignty they were trying to save. He and his friends headed the

Unionist party and supported the Bell-Everett ticket. Arrayed against them were the well-organized Democratic party and the majority of the newspapers in the state, supporting the Breckenridge and Lane ticket. The city of Austin became the headquarters for both parties.

Houston and his friends did their utmost to check the efforts for secession made by the states' rights men, many of whom were officers in the state government. They repudiated the Galveston platform as a gross misrepresentation of the wishes of the people, which might lead other states to believe that Texas was for secession. In reply the Democratic leaders maintained that none of their candidates had any disunion proclivities, and that the Galveston platform only upheld those political tenets which were conducive to the perpetuity of the Union, to the maintenance of states' rights and to the protection of every kind of property under the Constitution. They accused the Unionists of being in favor of unconditional submission to the principles of the Black Republican party, in the hope that if Lincoln should be elected some of the Federal offices would fall to their share. Houston especially was widely accused of sacrificing the interest of the state to further his own political ambition.

In the meantime the National Democratic Convention had met at Charleston April 24, 1860, and had disagreed upon the national platform. The Southern delegates had withdrawn, but had met again June 23, 1860, at Baltimore and nominated John C. Breckenridge, of Kentucky, for President and Joseph Lane, of Oregon, for Vice-President. These men represented the radical element of the Democratic party and were not satisfactory to a large portion of the country, even in the South. A constitutional Union party was organized. This party met at Baltimore, May 9, 1860, and all the states except Oregon and South Carolina were represented. John Bell, of Tennessee, was nominated for President, and Edward Everett, of Massachusetts, for Vice-President. The aim of this party was to preserve the Union at all hazards. Another faction of the Democratic party nominated Douglas for the presidency, while the regular Republican party nominated Lincoln.

During the summer, barbecues and mass meetings were held in all parts of the state by both parties. Many resolutions relating to the situation were adopted. Some of these threatened secession in the event of Lincoln's election. In Calhoun County a resolution was adopted to the effect that it was the duty of the Southern states to resist, even at the point of the bayonet, the inauguration of a sectional, Black Republican president. A non-partisan mass meeting in De Witt County declared that, although sincerely attached to the present Union, the people would never submit to the domination of Black Republicanism—that if Lincoln were elected, the only thing for the South to do would be to dissolve all political connection with the people of the

North. Resolutions adopted at the Union meetings denounced secession and accused the Democrats of favoring it.[2]

The leaders of the Unionist party were placed on the defensive in this campaign. As the time for the election drew near, Lincoln's victory appeared more and more probable. The question that was being asked throughout the state of the presidential electors was: "Do you consider the election of Lincoln sufficient cause for the dissolution of the Union?" Both the Bell and the Breckenridge electors answered the question in the negative, but there was a general impression, nevertheless, that the election of Lincoln would be considered a sufficient cause for secession. The task of the Union campaign speakers was therefore to defend the policy of the Union and to show the necessity of all Union-loving citizens uniting to defeat the Breckenridge ticket. Judge E. P. Townes of Travis County, at an enthusiastic Union meeting at La Grange, told the people in an able speech that this was the only way to preserve the Union. At a great Union demonstration at Austin, Houston extolled the glories of the common country, counseled submission, and showed how inexpedient it would be for any state to withdraw from the Union, and declared that Lincoln's election would not be sufficient cause for such action. He recommended acquiescence in whatever might be the result of the election, saying that in his opinion the salvation of the state lay in the Union. He then exhorted the lovers of the Union not to desert their posts and leave the government in the hands of secessionists. "If Mr. Lincoln," he concluded, "administers the government in accordance with the Constitution, our rights must be respected. If he does not, the Constitution provides a remedy."

In the presidential election Breckenridge received 47,548 votes, and Bell, 15,463. The comparatively few votes cast for Bell in Texas must not be construed to mean that a complete revolution in public sentiment had taken place since the election of Houston the preceding year. Many good Unionists voted for Breckenridge because they felt he had a better chance to win than Bell; and the vast majority of Texans feared the election of Lincoln. The slave owners feared the consequence to their slaves, and most of the people believed the Federal government had no right to interfere with what they considered their local affairs. This belief that the North was trying to dictate to the South greatly intensified the existing antagonism toward the Republicans.

In Texas the result of Lincoln's election was a radical change of sentiment. All felt that the North was the transgressor. The South

[2] I have found such resolutions adopted at Burnet, Round Rock, Winchester, Crockett, Bastrop, Hempstead, La Grange, Austin, and Cameron. See various numbers of the *True Issue* and *The Southern Intelligencer* published during the summer of 1860. Others would no doubt be discovered if more complete files of newspapers were available for the period.

demanded liberty and equality. Only when these were granted could she bury her animosities and, as one newspaper says, "move on to the music of the Union."

While the Unionists still counseled submission to the Union, but resistance to fanaticism and tyranny, the Democrats came out openly for secession. *The Gazette* said it was folly to temporize with imminent danger or to appeal to the magnanimity of a sordid and vindictive foe; nothing could be gained in that way; all association with the Northern enemy should be discontinued and his emissaries hanged; no avowed anti-slavery man should be allowed to remain in Texas. That the power of the Democrats was again in the ascendency, and that they would control the situation, was shown as early as in the primary election in August. At that time the regular Democrats elected by large majorities their nominees to the State offices over the Unionist nominees.

Some of the Sam Houston papers, as well as some of the independent newspapers in the state, supported the democratic ticket before Lincoln's election. Radical resolutions in favor of secession were adopted in many parts of the state, and the Governor was urged to convene the legislature. All were anxious for action of some kind in regard to the situation.

Karnes County advocated the maintenance of Southern rights within the Union, if possible, or secession if this should prove impossible; declared that the election of Lincoln was a sufficient cause for secession, and recommended the call of a Southern Congress to take into consideration the present state of the Union and of the South.

A meeting at Belton also advised concerted action by the Southern states and requested the Governor to convene the legislature, or provide for a convention of the people. Some counties, as for instance, Austin and Caldwell, were ready to coöperate with the rest of the state in any measures necessary for their safety.

Other resolutions of a more radical character were adopted at mass meetings in Tarrant, Brazoria, and Lavaca counties.

The Tarrant County resolutions earnestly requested the Governor to convene the legislature, but added that, if he should fail or refuse to do so, a state convention should at all events be held.

The mass meeting of Brazoria, held November 17, declared for secession; recommended the holding of a convention at Galveston on January 8, for the purpose of determining what course Texas should pursue; and requested the chief justice of Brazoria County to order the election of five delegates to a state convention, the election to take place the first Monday in December, provided the Governor by that time had not issued a call for a special session of the legislature as he was requested to do. Two committees of safety, composed of sixteen members each, were provided to guard the interests of the county; and an organization of minute men was also provided to

execute the committee's order. These committees of safety for general protection and the organization of minute men to coöperate with them were authorized in a large number of the counties.

The Lavaca County convention on November 21 favored secession, and requested the Governor to convene the legislature or provide for a state convention; it also urged that, if he should fail to do so, the people of the counties should appoint delegates to a state convention.[3] Marion County advised that the legislature convene itself in a non-official capacity, if the Governor declined to call it.

Perhaps the trend of public opinion is even better shown in the *True Issue,* an independent paper. This paper deplored the fact that slavery had always been a source of strife between the two sections and declared that no important question had ever come before the people but that "slavery, like a haunting demon, looms up in the background." The North, in its hostility toward the slave law, in its descent upon Virginia, and in sending its emissaries to Texas to incite the slaves to arson and insurrection, was to blame for the present situation, and what hatred existed in Texas toward the North was due to the action of the abolitionists there. The people of Texas wished only to live in peaceful enjoyment of their constitutional rights.

A few days after the election of Lincoln, Houston received a letter signed by sixty-five citizens of Huntsville asking his advice as to what course ought to be pursued. They deprecated hasty action, but feared that delay in expressing opinions of the situation might prove harmful. Houston's answer was calm and dignified but firm. He counseled patience, admitted his distrust of Lincoln and the North, but affirmed his abiding faith in the Constitution and the Union. He closed with these words: "So long as the Constitution is maintained by Federal authority and Texas is not made the victim of Federal wrong, I am for the Union as it is."

Houston and the Unionists, realizing that the tide of disunion sentiment was rising, busied themselves trying to stem the tide by recommending caution, prudence, and calm deliberation in dealing with the question. Until the last moment David G. Burnet counseled submission to the election of Lincoln and continuance in the Union. Union meetings were held throughout the state and were well attended. It was the sentiment of these meetings that the state should maintain its rights in the Union. Colonel Henderson, in addressing a mass meeting at Round Rock, called on all Texans to stand by the American flag, and to claim boldly their rights in the Union under the Constitution. At a great demonstration at Austin on December 23, a pole ninety feet high was erected, and the national flag hoisted while the people sang patriotic songs. Judge J. H. Reagan, then in Congress,

[3] Other counties in which the people advocated secession and requested Houston to convene the legislature were Polk, Dallas, Smith, Coryell, Sabine, Leon, Grimes, and Galveston.

writing from Washington, recommended a convention of the Southern states to present to the free states such propositions as would renew the original guarantees of the Constitution in favor of Southern rights in order that the question as to the extent and character of the slave states and the ownership of slave property might be settled forever. On the other hand, Louis T. Wigfall, also in Congress and writing from Washington, advocated immediate withdrawal from the Union, maintaining that Texas could not remain in it with either honor or safety.

In spite of the heavy pressure brought to bear upon Houston to call a special session of the legislature, he refused to issue the call until forced by circumstances. He gave as his reasons for not doing so that the situation did not demand the convening of the legislature, and that the finances of the state were in such a condition that it was necessary to keep all expenses down to a minimum. It also appears that Houston entertained serious doubts as to whether, on account of the recent redistricting act, the same legislature that met in 1860 could again be convened. He believed furthermore, that a legislature elected under the new act would probably come nearer to representing the wishes of the people.[4]

In the meantime, Houston had acted upon the suggestions of some county conventions to make use of the joint resolution of 1858 authorizing the Governor to order an election of seven delegates to a convention of the Southern states, if, in his opinion, the situation should demand it. He sent the resolution, accompanied by a letter to the governors of the other Southern states suggesting the calling of a Southern convention for the purpose of discussing plans for common action. He said that in his opinion the time had come for a calm deliberation of statesmen in a manner permitted under the Constitution. He hoped that such a convention might adopt measures for restoring harmony between the two sections of the country. Houston then issued a proclamation for the election of the Texan delegates on the first Monday in February. For this effort at conciliation Houston was widely denounced as a traitor to the South. Senator Wigfall said that Governor Houston ought to be tarred and feathered and driven from the state. Senator Iverson from Georgia, his old antagonist in the Senate, said, "Some Texas Brutus may arise to rid his country of this old, hoary-headed traitor."

In order to understand all phases of the secession movement in Texas, the existence of a secret order known as the Knights of the Golden Circle must be noticed. It met a hearty welcome in Texas in the summer of 1860, and much has been said about the influence

[4] The old act passed in 1852 divided the representation in the legislature disproportionally. For instance, Galveston with only eight hundred and seventeen votes had one senator, while Milam and Burleson with nearly two thousand six hundred votes had only one.—*State Gazette,* December 10, 1859.

that it exerted over the events that rapidly followed in the state during the winter and spring of 1860 and 1861. [Several pages discussing the origin and work of the Knights of the Golden Circle are omitted.] . . .

To what extent, however, the order influenced the secession convention, directly or indirectly, must remain a matter of surmise. The most that one can safely say is that probably the order encouraged secession and the extension of slavery, and that it was a factor of some importance in forming and uniting public opinion at this time.

The people of Texas had always distinguished between abolitionists and Unionists. During the whole period of the controversy over slavery there had been men who strongly upheld the Constitution and the Union. As the agitation developed and disunion became a probability, the newspapers representing the Union element became known as anti-secession and anti-democratic papers. But no real abolitionists, men or newspapers, had ever met with much favor in Texas. The *San Antonio Zeitung* seems to have been the only such newspaper that ever attempted to exist and publish abolition views in the state. It was published only one year, partly in 1855 and partly in 1856. [Several pages describing the popular attitude toward abolitionists are omitted.] . . .

CHAPTER XXXVI

THE FIRST SESSION OF THE SECESSION CONVENTION IN TEXAS

By Anna Irene Sandbo

[This selection is a continuation of the preceding chapter, and, like that chapter, is considerably abbreviated by omissions.]

As the result of Governor Houston's refusal to take any steps toward calling a convention it became necessary for the disunion leaders to call the secession convention in an extra-legal manner. The Governor had been besieged by committees and petitions to convene the legislature, or to issue a call for a convention. He hesitated to do either, probably hoping that the excitement would soon subside, and that it would be in his power to save Texas to the Union. But his hopes were not to be realized, for the radical element was in control of the state. All the Southern states were taking action, and Texas was eager to do likewise. The leaders of the secession movement took the matter into their own hands. According to Judge O. M. Roberts, chairman of the secession convention, the reasons for so doing were that they were anxious to unite with the other Southern states, and as there were both Union and secession elements in the state, they feared internecine strife, when the North should attempt to force the Southern states back into the Union; and that the only way to unite the people in a common defense of the state, in spite of the will of the Governor, was to determine the status of Texas by a vote of the people.

It would thus appear that the leaders of the movement fully realized that the outcome of secession might be war. But it is equally certain that the common people did not believe such would be the case, and that they were purposely encouraged in this belief. The great task of Governor Houston during the interval between the passing of the secession ordinance and its ratification was an heroic attempt to convince the people that secession meant war.

Under the constitution, neither the Governor nor the legislature had direct authority to call a convention. But the Governor had authority to convene the legislature in special session, and once convened, even in special session, the general powers of the legislature would be quite extensive. Had Houston convened the legislature, it

would probably have called a state convention, but as he refused to do this, it appeared necessary that the convention be called without the coöperation of either the Governor or the legislature. This was done.

The plan to issue an address calling upon the people to elect delegates to a state convention originated in the attorney general's office. The first address was drawn up in Justice O. M. Roberts's office by W. P. Rogers, George M. Flournoy, John S. Ford, and O. M. Roberts. This address appears in Judge Roberts's *Political, Legislative and Judicial History of Texas.*[1] In the *Journal of the Secession Convention* another address is printed which differs somewhat from the copy that Roberts gives. Thus, the Roberts call has sixty-one signatures, while the call printed in the *Journal* has seventy-two.[2]

The reasons given in the *Journal* address for calling a convention are the election of a sectional President; the imminent danger to Southern rights; the Governor's refusal to convene the legislature; the fact that the sovereign will of the people could be best expressed by a convention; that neither governor nor legislature was authorized under the Constitution to call a convention, though the people had the right to do so; that there was not enough time before the President's inauguration for the legislature to act; and finally that the legislature would probably ratify the work of the convention. The address suggested that the election be held January 8, 1861, and that the convention meet at Austin January 28. Elections were to be ordered unofficially by the chief justice of each representative district, or, in case of his failure, by one or more county commissioners or by a committee of five citizens. The election was to be conducted according to the usual regulations; two delegates were to be elected from each representative district, and the action of the convention was to be submitted to the people for ratification or rejection.

As soon as the address was published secession became the issue. Houston in a last vain effort to thwart the action of the secessionists, issued a call, December 17, for an extra session of the legislature to meet January 21, just one week before the day appointed for the meeting of the convention. During the interval between the time of the publication of the address and the assembling of the convention great excitement prevailed. Mass meetings and barbecues were again held. Able Union and disunion speakers expounded their views on the situation. The lovers of the Union tried to persuade the people to act with calmness, to believe that in the Union was the best place

[1] In *A Comprehensive History of Texas,* II.

[2] The names of W. J. Darden, J. P. Gibson, T. N. Waul, Wm. Carleton, J. H. Lightfoot, James E. Harrison, Robert J. Townes, A. R. Crozier, J. M. Steiner, C. Kyle and M. D. Graham are found in the *Journal* but not in Justice Roberts's call. Other signers of the two calls were identical.

for the state so long as the Constitution could be preserved, and that the proper thing to do was to preserve both the Constitution and the Union, for the disruption of the Union would bring only universal distress to Texas. They accused the secessionists of not wishing to see the Union preserved on any terms and of closing their eyes to the true remedies for the evil. They also accused the politicians of deliberately hoodwinking the people in pretending that they would submit the action of the convention to the people. But the Union element had, with the exception of Houston, scarcely any strong and aggressive leader, and even Houston was not equal to the occasion. The Union sympathisers appeared to be silent spectators of the great drama played, and the majority of them did not even vote.

The aggressive leaders of secession, on the other hand, carried everything before them. The whole movement seems to have been much more spontaneous than has generally been believed. At many mass meetings immediately after Lincoln's election such a convention as the address provided for had been advocated. In some instances action was taken for the election of delegates to a convention of the people even before the address was issued. At a mass meeting in Brazoria County, November 17, 1860, the chief justice was requested to order an election on December 3 for delegates to a state convention. On that date John A. Wharton was elected and represented the county in the secession convention. On November 24, the chief justice of Harrison County was directed by the citizens in mass meeting to order an election the fourth Monday in December for delegates to a general state convention. The delegates then elected became members of the convention. Some other counties held their elections for delegates before the appointed time, as Robertson, December 15; Tyler, December 22; Austin, December 22; Cameron, January 7. So far as the certificates of elections show, only four counties, Jefferson, Orange, Anderson, and Trinity, gave no returns.

The Eighth Legislature, at the call of Governor Houston, convened in extra session on January 21. The Governor's message, after reviewing at some length the Indian troubles and the embarrassed condition of the treasury, was devoted to the relations of Texas with the federal government. He deplored the fact that an aggressive sectional party, hostile to Southern institutions, had gained control of the general government, and he said that two alternatives now faced the people—either to abandon the federal government, which would be tantamount to acknowledging the Constitution a failure, or to maintain while in the Union every constitutional right. He advised the latter, for, so far, the grievances had originated with the states and not with the federal government. He advised against hasty and unconcerted action and against immediate separation before having stated grievances and demanded redress; and he could see in the election of Lincoln no cause for immediate and separate secession.

He also declared that he believed the time had come when the Southern states should coöperate and counsel together to devise means for the maintenance of their constitutional rights, and to demand redress for the grievances they had suffered at the hands of the Northern states.

He had ordered an election for the purpose of choosing delegates to a Southern convention, as recommended by the joint resolutions of 1858. He recommended, further, that the legislature provide legal means by which the people might express their will through the ballot box; and if the legislature deemed it necessary to call a convention for the purpose he would not oppose it. He would only suggest that no action should be considered final until it had been submitted to the people. He looked to them for wise and sagacious counsels, "Representing the creative power of law," he said, "the high responsibilities upon you demand that you indignantly frown upon any and every attempt to subvert the laws and substitute in their stead the will of revolutionary leaders." Only the people could determine upon the status of Texas, and therefore he recommended that the question be submitted to them, and concluded: "Be their voice as it may, we shall be united and whether our future be prosperous or gloomy, a common faith and hope will actuate us; but if on the contrary, moved by rash and unwise counsels, you yield the powers of government into the hands of those who do not represent the people and would rise superior to them, the confidence of the masses in the reign of law and order will be shaken, and gloomy forebodings will fill the hearts of the friends of regulated Government, lest the reign of anarchy and confusion come upon us."

The legislature, however, disregarded the Governor's recommendations and proceeded to do the very things he had urged it not to do. One of the first resolutions adopted, repealed the joint resolution of 1858 under which the Governor had acted the preceding November. The friendly feeling toward the extra-legal convention was also shown almost immediately. As the delegates to the convention arrived at Austin, they were invited to seats within the bar of the Senate and the House. Although the Governor's friends made an attempt to carry out his wishes, they could accomplish nothing. Throckmorton's resolution providing for the election of delegates to a general convention of the people of Texas was referred to the committee on State Affairs, from which it never emerged. But a joint resolution offered by Mr. Herbert to validate the acts of the convention to be held at Austin, January 28, 1861, which further provided for the mileage and per diem of the members of the convention, referred to the same committee appeared again in a short time transformed into the following resolution, which was adopted January 26:

Whereas the people of Texas, being much concerned for the preservation of the rights, liberties, and powers of the State and its inhabitants, endangered by the political action of a majority of the states, and the people of the same

have, in the exercise of powers reserved to themselves in the bill of rights, called a convention, composed of two members for each representative in the legislature from the various districts established by the apportionment law of 1860, to assemble on the 28th day of January, 1861, at the city of Austin, which convention, by the terms of the call, made by the numerous assemblages of citizens in various parts of the state, was, when elected and assembled, to have power to consider the conditions of public affairs, to determine what shall be the future relations of this state to the Union, and such other matters as are necessarily and properly incident thereto; and in case it should be determined by said convention, that it is necessary for the preservation of the rights and liberties aforesaid, that the sovereignty of Texas should resume the powers delegated to the federal government in the Constitution of the United States, and by the articles of annexation, then the ordinance of said convention resuming said delegated powers and repealing the ratification by the people of Texas of said articles of annexation should be submitted to a vote of the qualified electors of this state for their ratification or rejection; therefore,

1. Be it resolved by the legislature of the state of Texas, That the government of the state of Texas hereby give its assent to and approves of the convention aforesaid.

2. That this resolution take effect and be in force from and after its passage.

It was, however, not approved by the Governor until February 4, 1861, and then it was approved with a protest against the assumption of any power on the part of the convention, beyond that of referring the question of secession to the people.

A joint resolution was also passed relative to coercion in which the legislature maintained in substance that the sovereign states had denied to the federal government the power to compel by arms obedience by the states to federal authority; that the attempt of the federal government to coerce a state was a violation of the Constitution, destructive to the right of free government, and fatal to the existence of the Union; that should the federal government attempt to coerce a sister state into subjection to federal rule Texas would make common cause with her in resisting, by all means and to the last extremity, such violence and usurpation of power.

All action taken by the legislature in the early part of its session was in accord and sympathy with the convention. The House tendered the use of its hall to the convention each day after two o'clock, and fuel and stationery were placed at its disposal.

After the secession ordinance had been passed the legislature coöperated with the convention in placing the ordinance before the people for ratification or rejection. Two acts were passed for this purpose. The first, passed over the Governor's veto, merely required the officers of the state to order elections for the ratification or rejection of the ordinance of secession according to the directions of the state convention. Two days later it became necessary to pass a supplemental act requiring the Governor to issue a proclamation for the election, and to direct the vote to be taken and returns to be made in the manner prescribed in the first act and in the ordinance of the conven-

tion on the subject. This act was approved by the Governor February 9, with a protest against the short time allowed for notice.

The first secession convention convened at Austin, January 28, 1861. The personnel of the convention, according to the correspondent of *The True Issue*, consisted of a respectable body of men, both in personal appearance and in point of intelligence; but there were many conjectures as to what it would do. According to the same correspondent, some thought that the action of the convention would be declared binding without any reference to the people. Some believed the convention intended to usurp sovereign power, subvert the state government, and erect a provincial one in its stead; and that, if this should be attempted, neither Houston nor his friends would resort to arms to suppress and prevent it.

The organization of the convention was effected the first day. O. M. Roberts was elected president, R. T. Brownrigg, secretary, W. D. Schofield, first assistant secretary, and R. H. Lundy, second assistant secretary. There had been some irregularities in the election of certain members, but the report of the committee on credentials favored seating them all and contests were thus avoided. In a number of the counties, namely Tyler, Harden, Titus, Harrison, Karnes and Bee, more delegates had been elected than such counties were entitled to under the call. The committee recommended that all such delegates be allowed seats, but that they should have only as many votes as the number assigned to the county they represented. In Travis, Williamson, and Milam counties the six delegates had not been elected in the manner indicated by the call, but they also were seated. [Details of organization are omitted here.] . . .

The direct issue before the convention came up on the second day, when Mr. Wharton offered a resolution "that without determining now the manner in which this result should be effected, it is the deliberate sense of this convention that the state of Texas should separately secede from the Federal Union." This was adopted by a majority of one hundred and fifty-two to six. At this juncture it was learned that John McQueen, commissioner from South Carolina to Texas, had reached Austin. A resolution was immediately passed inviting him to a seat upon the president's stand during the session, and a committee of three was appointed to inform him of the action of the convention. . . .

On January 30, the convention received from the legislature a copy of some Tennessee resolutions, accompanied by a letter of Governor Houston addressed to the legislature. The Tennessee resolutions were in the nature of a reply to certain resolutions recently passed by the legislature of New York. The legislature of New York had offered men and money to the President of the United States for the purpose, according to the language of the Tennessee resolution, "of coercing certain sovereign states of the South into

obedience to the Federal Government." Governor Houston in his letter advised the legislature to meet every assault upon the liberties of the people. He again reminded them of the fact that he had called them together to provide for an expression of the will of the people at the ballot box, and that while the people were deliberating upon the question no impending threat of coercion from the people of another state should be permitted without at least meeting with the condemnation of their legislature.

Several resolutions had been offered in regard to the convention's getting into official communication with the Governor, and all had finally, on January 30, been referred to a special committee of three. This committee on the same day reported a mode of procedure, which was immediately adopted. The report provided for a committee of five to be appointed by the president, whose duty it should be to wait upon the Governor and to confer with him on subjects connected with federal relations; it provided also for a like committee to inform the legislature that the convention was organized and ready to proceed with the work before it, and that the convention desired to act in harmony with the various departments of the state government. John H. Reagan, P. W. Gray, John D. Stell, Thos. J. Devine, and W. P. Rogers were appointed to wait upon the Governor.

Houston received the committee kindly, expressed his thanks to the convention for its courtesy, and promised to communicate with the convention the next day. In this communication to the committee, Houston said that whatever appeared conducive to the welfare of the people had his most fervent good wishes, and that no one would be more ready than he to yield obedience to the will of the people, when it had been expressed through the ballot box; he was ready to act in harmony with the convention in securing an expression of the popular will in regard to federal relations, and he would cheerfully confer with any committee appointed for that purpose. But he did not commit himself any further.

At the afternoon session on January 30, the ordinance of secession was placed before the convention by the Committee on Federal Relations, accompanied by a minority report, which minority report concurred with the majority in recommending the ordinance reported by the committee, but dissented from the resolution accompanying the ordinance which proposed to refer the ordinance to a vote of the people, taking the position that the interests of the state could be best served by the ordinance's taking effect immediately. The ordinance was read the first time, and the convention adjourned to meet again in secret session in the evening. The ordinance, which was finally adopted in its original form, is as follows:

Sec. 1. Whereas, the Federal Government has failed to accomplish the purposes of the compact of union between these states in giving protection either to the persons of our people upon an exposed frontier or to the property of our

citizens; and whereas the action of the Northern states of the Union, and the recent development in federal affairs, make it evident that the power of the federal government is sought to be made a weapon with which to strike down the interests and prosperity of the Southern people, instead of permitting it to be as it was intended, our shield against outrage and aggression:

Therefore, We the people of the state of Texas in convention do declare and ordain, that the ordinance adopted by our convention of delegates on the 4th day of July, A.D. 1845, and afterwards ratified by us, under which the republic of Texas was admitted into the Union with other states and became a party to the compact styled "The Constitution of the United States of America" be and is hereby repealed and annulled; that all the powers that by said compact were delegated by Texas to the federal government are revoked and resumed; that Texas is of right absolved from all restraints and obligations incurred by said compact and is a separate sovereign state.

Sec. 2. This ordinance shall be submitted to the people of Texas for ratification or rejection by the qualified voters on the 23rd day of February, A.D. 1861, and unless rejected by a majority of the votes cast shall take effect and be in force on and after the 2nd day of March, A.D. 1861.

At this secret evening session the discussion upon the ordinance began, and it was continued until the next evening, when it was decided to vote the next day at twelve o'clock, and to do so without discussion. There appears to have been much disagreement in regard to the contents of the ordinance. . . .

On the following day, February 1, the Governor, lieutenant-governor, and judges of the supreme and district courts, were invited to seats within the bar of the convention when the vote on the ordinance was to be taken. Five men were appointed as a committee to wait on Houston and Clark. Houston was given a seat on the right of the president. At the appointed time the ordinance was taken up, read a third time and passed by a vote of one hundred sixty-six to eight. Although it had been decided the evening before that no discussion should take place when the vote was taken, many of the members of the convention could not refrain from giving the reasons for their votes.

The most exciting incident of the vote was caused by J. W. Throckmorton's remarks. He rose from his seat and said: "Mr. President, in view of the responsibility, in the presence of God and my country—and unawed by the wild spirit of revolution around me, I vote no." Much confusion followed. Hisses as well as applause came from the galleries. Throckmorton rose from his seat and exclaimed: "Mr. President, when the rabble hiss, well may patriots tremble." Prolonged cheering from the galleries followed, and a strong appeal from the president was necessary to restore order.

With the passage of the ordinance the first act in the drama of secession was at an end. . . .

The next afternoon, February 2, the special committee appointed for the purpose, presented an address setting forth the causes that impelled Texas to withdraw from the Union. The causes as thus

set forth were: that Texas had not been permitted to enjoy the blessings guaranteed to it when it became a member of the Union; that for the purpose of acquiring power in the Federal Government in order to destroy the institutions of Texas and of the other slave-holding states, the controlling majority of the Federal Government had under various disguises administered the government in such a way as to exclude the citizens of the Southern states from the enjoyment of the common territories; that because of the disloyalty of the North and the "imbecility of the Federal Government," combinations of outlaws had been permitted to trample upon the federal laws in Kansas, upon the lives and property of Southern citizens there, and to usurp the possession of the territory for the benefit of the Northern states; that the Federal Government had failed to protect the borders of Texas from the Indians or the Mexicans; that when the state had expended money for that purpose, the Federal Government had refused to reimburse the state; that the individual non-slaveholding states had deliberately violated the Constitution; that the people in these states had formed themselves into a great sectional party for the purpose of abolishing slavery and forcing political equality between the two races; that the abolitionists had been sowing seeds of discord between the two sections, and had consolidated their strength and placed the slave-holding states in a hopeless minority in Congress; that the South could no longer protect its rights there against encroachments; that these adversaries proclaimed a law higher than the Constitution, and had encouraged lawless organizations to steal slaves and prevent their recapture; that they had invaded Southern soil, murdered unoffending citizens, sent seditious pamphlets to stir up insurrection, and emissaries to burn towns and to distribute arms and poison to the slaves; and that they had elected a sectional president.

In view of these facts the convention proclaimed its belief that the government was established exclusively for the white race; that the African race was rightfully held and regarded as an inferior and dependent race and that only in that condition could their existence in the country be rendered beneficial and tolerable; that all white men are and of right ought to be entitled to equal civil and political rights; that slavery was authorized and justified by the experience of mankind, by the revealed will of the Creator, and recognized by all Christian nations; that the destruction of existing relations between the two races would bring inevitable calamities upon both; that as six states had seceded there was no course open for Texas except to unite her destiny with those states.

John H. Reagan, Louis T. Wigfall, John Hemphill, T. N. Waul, John Gregg, W. S. Oldham, and Wm. B. Ochiltree were elected to represent Texas at the Montgomery convention. No more business of importance was transacted by the convention during its first session.

The first session of the convention adjourned February 5, to convene again March 2; and Judge Roberts, after congratulating the convention on its courteous and conciliatory deliberations, adjourned the convention in the following words:

"Let us go home and appeal to them [the people] to sustain our action by their votes; and when we reassemble on the 2nd of March let us bring back with us the voice of a united people, in favor of an immediate action to sustain the rights of the people of Texas and of the South at all hazards, and to the last extremity."

CHAPTER XXXVII

TEXAS DURING THE CIVIL WAR

By Charles W. Ramsdell

[From Ramsdell, *Reconstruction in Texas,* 21–26 (Columbia University Press, New York, 1910). Read: Garrison, *Texas,* Chapter XXIII; Barker, Potts, and Ramsdell, *A School History of Texas,* 224–242.]

Texas during the War

Texas was formally admitted to the Confederacy by an act of Congress approved March 1, 1861. On the previous day, Jefferson Davis, in accordance with another act, had assumed control over all military operations in the various states having reference to other states or foreign powers; but not until Houston was removed was this authority fully recognized in Texas. When the attack on Fort Sumter and Lincoln's call for volunteers dissipated the hope that war could be avoided, Texas was called upon for 3,000 troops and then for 5,000 more. In addition to those raised through the agency of the state, a number of battalions and regiments were raised by individuals and mustered directly into the Confederate service. During the following winter the legislature provided for a mounted regiment of rangers for frontier service, and, to expedite and regulate enlistment in the Confederate army, divided the state into thirty-three "brigade districts" in each of which all able-bodied men between the ages of eighteen and fifty years, with necessary exceptions, were to be enrolled in companies subject to the call of the Confederate government. The Confederate "conscript law" of April 16, 1862, brought into active service immediately all men between the ages of eighteen and thirty-five, for three years or for the war. This age limit was extended again and again until the country was almost drained of its men. It is estimated that Texas furnished between 50,000 and 65,000 men for military service,[1] of whom about one-fourth were east of the Mississippi. The rest were scattered about in the Trans-Mississippi Department, in Louisiana, Arkansas, on the frontiers and coast of Texas, in garrisons or on special detail in the interior.

[1] The lower figures are probably more nearly correct. The bewildering merging of battalions into regiments and the reduction of the latter to battalions again make any estimate uncertain.

When once the war was fairly on, most of those who had opposed the measures which brought it about, yielded and gave their support to the state and the new government. In every Texas regiment, from Virginia to the Rio Grande, were to be found recent Unionists who gave to the Confederacy an allegiance as sincere and as strenuous as did the original secessionists. There were others who never parted with their Unionist belief but went into the army from necessity; for often it was safer to stand in line of battle than to remain at home as a known opponent of the Southern cause. Some escaped active service by securing appointment upon special details near home, some by election or appointment to political office. All of these things, however, required an oath of allegiance to the Confederacy, and there were many whose strength of conviction would not permit this. To avoid it some left the state immediately and made their way North; others lingered with their families, hiding at times in the woods and hills to escape conscript officers, provost-marshals, vigilance committees, and mobs, until compelled or enabled to slip out of the country and get into the Union lines for safety. This was held to be desertion to the enemy, and capture meant ignominious death. Many were murdered by mobs for the expression of unpopular opinions, and many more because of private grudges screened by charges of treasonable designs. The story is a painful one, but it could hardly have been otherwise. When a desperate war is being waged, when the enemy is thundering at the gates, perfect tolerance can hardly be expected for expressions of sympathy with the invader. The North never suffered as did the fire-encircled South, but the experiences of the northern "copperhead" were often as harsh as those of the southern loyalist. In Texas this inevitable tendency to lawlessness was accelerated by the presence of so many turbulent characters in her frontier population.[2]

In general, Texas was fairly prosperous during the war—especially during the first two or three years. She lay well outside the circle of conflict; no hostile armies laid waste her towns and fields nor withdrew her slaves from the plantations. Good crops were raised every year, although nearly all the able-bodied men were away in the army. Slaves were in fact more plentiful than ever before, for great numbers of them had been run in from Louisiana, Arkansas, and states even further east, for safe-keeping. Texas was, therefore, in a position to perform a unique service to the rest of the Confederacy in furnishing supplies not only from her own fields and ranches but also, by way of Mexico, from Europe. The early blockade of all or nearly all southern ports and the uncertain dependence upon blockade runners rendered the Mexican trade of particular importance. It was, however, beset with many difficulties. A distance of nearly

[2] For an account of the work of vigilance committees in the region about San Antonio, see Williams, *With the Border Ruffians.*

four hundred miles, through a region part desert, without railroads, infested with brigands, had to be traversed by wagon trains heavily guarded. Nor was this all. Hard cash was necessary for purchasing the goods needed, as the commercial world looked askance at Confederate notes and bonds. In lieu of gold and silver, recourse was had to domestic articles—cotton, wool, and hides. Cotton, especially, was in demand abroad and found ready sale. The problem now was for the government to get the cotton and secure its transportation to some point of exchange.

The state first undertook the task, and in April, 1862, a military board was created to purchase arms and ammunition for the state. After disposing of a quantity of United States indemnity bonds, obtained in 1850, the board began purchasing cotton with eight-per-cent state bonds, and during the first year transported some five thousand bales to the Rio Grande. For several reasons, however, the board was never able to accomplish all that it had designed. Planters were loath to exchange their cotton for doubtful state bonds so long as there was a chance to get gold for it, and often refused to deliver cotton actually contracted for. Failure to get the cotton promptly to the Rio Grande damaged the board's credit with the importers of foreign wares. The peculation of officials engaged in the work created confusion; and rivalry with the cotton bureau that was established by the Confederate authorities in 1863, weakened the efforts of both the state and the general governments. It is needless to go into the story of mismanagement, misfortune and peculation that characterized so much of this business; for a great deal of real benefit was derived from it notwithstanding. Important also is the fact that a great deal of private cotton found its way into Mexico and across the Gulf to Cuba and Europe, and that a slender but steady stream of hard cash flowed back into Texas; and although the greater part of the money went into the pockets of favored speculators, "exempts," "details" and officers, the state at large profited somewhat. Texas came out of the war with plenty of food for her people and more hard money than all the rest of the South together.

The military operations in the state are worthy of but slight notice. They were never extensive and were confined to the border, and they therefore left no such reconstruction problems in their train as existed in the other states. In the summer of 1861 an expedition under General H. H. Sibley for the capture and occupation of New Mexico reached Santa Fé, but was driven back the following spring. In August, 1862, a band of some seventy German Unionist refugees were overtaken on the Nueces River by a superior force of "partisan rangers" and almost annihilated. Some prisoners were taken and afterwards killed—a dastardly outrage which the Germans of western Texas never forgave. A few minor engagements along the coast resulted in the better fortification of the ports. In October, 1862,

a Federal squadron forced the evacuation of Galveston, which was occupied by United States troops just before Christmas. On New Year's eve the Confederate General Magruder, who had just assumed command of the District of Texas, moved troops over to the island and in the early morning light attacked the forces stationed there, while improvised gun-boats fortified with cotton bales assailed the fleet in the harbor. The attack resulted in a complete victory; the city was taken and the Federal ships captured, driven off, or destroyed. Galveston remained in the hands of the Confederates during the rest of the war and was valuable as a port of entry, though United States warships patrolled the Gulf. In September, 1863, an attempt was made by General Banks to invade Texas by way of Sabine Pass, Beaumont, and Houston; but the invading force with its convoy of gun-boats came to grief in its attack on the small fort at the Pass and got no further. The next attempt was by way of the Rio Grande. Brownsville was taken in November, 1863, and forces were pushed along the coast and up the river to cut off communication with Mexico; for there was some fear of French intervention from that quarter. The next spring all these garrisons except those at Matagorda and Brownsville were withdrawn and Banks made a third attempt by way of the Red River and Shreveport. He was defeated at Mansfield before reaching the Texas line. In March, 1864, Colonel E. J. Davis, a Unionist refugee from Texas, with a force of some two hundred Texan Unionists, was defeated in an expedition against Laredo. In return, a force of Texans under Colonel John S. Ford advanced against and recaptured Brownsville, July 30, 1864. Near here, at Palmito Ranch, occurred the last battle of the war, May 13, 1865, in which Ford defeated a body of eight hundred Federals. From their prisoners the victors learned that their government had fallen and that the war was over.

CHAPTER XXXVIII

TEXAS FROM THE FALL OF THE CONFEDERACY TO THE BEGINNING OF RECONSTRUCTION

By Charles W. Ramsdell

[From *The Quarterly* of the Texas State Historical Association, XI, 199–219. Read: Barker, Potts, and Ramsdell, *A School History of Texas*, 210–223.]

I. Conditions on the Eve of the Break-Up

When General Lee surrendered, in early April, 1865, that part of the Confederacy east of the Mississippi was already overwhelmed and exhausted. In the Trans-Mississippi Department, however, a large area comprising western Louisiana, parts of Arkansas, and the whole of Texas was still almost untouched by invasion. The Federal forces having been kept at bay here through the war, it seemed probable that a severe struggle would be necessary for the reduction of the Confederates in this region; yet, within six weeks from the surrender at Appomattox the Trans-Mississippi Department presented a scene of universal disorder and confusion nothing short of anarchy —and that, too, without the advance of a single Federal soldier. In reality the defences of this department, and particularly of Texas, with which we are here concerned, formed simply a thin shell incapable of sustaining any heavy or prolonged attack.

In spite of peculiar advantages Texas had already shown unmistakable signs of exhaustion. Throughout the war she had suffered less than her sister States, and during the first two or three years had been fairly prosperous. She lay outside the circle of conflict, no hostile armies laid waste her towns and fields, nor withdrew her slaves from the plantations. Good crops were raised every year. During most of the time her ports were open and steamers and blockade runners made their way to and from Vera Cruz, Havana and the ports of Europe. Moreover, the Mexican border offered peculiar advantages for a safe overland trade; and through this channel the staples of Texas—cotton, wool, and hides—were exported and exchanged for necessary supplies or specie. Through the deflection of trade from its regular channels this traffic had for the most part fallen into the hands of speculators,—doubly hated as a class that reaped large profits from the danger and distress of the country while enjoying at the

same time exemption from military service. The opportunities for profits in this trade were not neglected by the State and Confederate governments, and during the last two years of the war a State military board and a cotton bureau had charge of the exportation and sale of cotton and other products belonging to the State and to the Confederacy respectively, and imported in return munitions, medicines, and other military supplies. That there was much fraud and mismanagement in the whole cotton business, official and private, seems certain; there was no doubt of it at all in the minds of the people of that day.

But other causes than the fraudulent operations of private and official speculators hastened the exhaustion of the State. Repeated issues of Confederate paper money had driven out all other currency and the paper itself steadily depreciated. By March, 1865, even this was cut off, as there was no ready or safe communication with the Confederate seat of government. Taxes were extremely heavy; the tithe of the cotton taken by the Confederacy was increased to a fifth, then to a half; everything was levied upon. Military authorities impressed beef, corn, and other supplies for the army, and having no money wherewith to pay, gave worthless certificates of indebtedness which the government would not even receive in payment of taxes. Driven on by its dire necessities the government had adopted desperate and oppressive regulations that destroyed its own credit and threatened the extinction of what little trade had survived in the State. During the spring of 1865 other troubles had come. A threatened attack by the Federals on Brownsville, the chief cotton depot, had diverted the export trade to the less exposed but less profitable and less satisfactory points on the upper Rio Grande. At the same time there was a serious drop in the price of cotton, a foreshadowing doubtless of the fall of the Confederacy. All trade was coming to a standstill. Although the crops had been good in 1864, they could not be marketed. There was plenty to eat, but there was very little else to be had.

The military outlook reflected the gloom of material conditions. There were probably about fifty thousand men in the Trans-Mississippi Department when Lee surrendered. A large part of these were in Louisiana near the department headquarters at Shreveport. Several thousand were in Arkansas. Possibly fifteen thousand men were under arms in Texas. Of these last some three thousand were at Galveston with others near by at Houston. Small forces were stationed at Brownsville, San Antonio, Hempstead, Sabine Pass, Marshall, and other points. All of these soldiers had for months been serving practically without pay, for they were paid in paper. They were poorly clad, and often had to furnish their own clothing and equipment. There was much discontent in the army because of alleged mismanagement and peculation in the commissary and supply

departments. Swarms of deserters made their way into Mexico to Matamoras or took refuge with a body of Federals on the island of Santiago de Brazos. The conscript laws had become more and more severe, and young boys and old men were forced into the ranks. The discontent increased. Some regiments were unmanageable.

The people were plainly growing weary of the burdens of a hopeless war. Sherman's march through Georgia, despite the ingenious explanations of the press, had shown the utter impossibility of ultimate success. Even General E. Kirby Smith, commander of the department, sought timely provision for the future as early as February 1st, when he offered his military services to Maximilian in case of the overthrow of the Confederacy. Nevertheless, when the news of Lee's surrender reached Texas in the latter part of April, it produced consternation. While it was discredited and denied at first as a "Yankee rumor," then too fully confirmed, hope was held out still that most of the army had escaped and were with Johnston. Anxiously tidings were awaited from this general. There was a widespread belief that he was about to cross the Mississippi and join with Kirby Smith. Then came the crushing news of his surrender to Sherman. The next attack of the Federals would be upon Texas. All was gloom and anxiety.

A desperate effort was made to preserve a bold front. Governor Murrah and Generals Smith and Magruder made speeches and issued stirring addresses urging the soldiers to fight to the last. Patriotic editors demonstrated conclusively that it would be impossible for the Federals to invade Texas and maintain themselves in its vast stretches without a year's preparation; and that meanwhile help could be secured from abroad, or at least better terms would be offered than had been granted Lee and Johnston. Everywhere public meetings were held and citizens pledged themselves never to submit to Northern tyranny or to abandon the cause of the South. Meetings of a similar nature were held in the army in the effort to revive the waning devotion of the discontented and the disheartened. Most of these army meetings were meagerly attended; many of the men held aloof while others attended in order to pass resolutions expressing withering contempt for the war meetings of "exempts and details," and bitter hatred of the cotton speculators, upon whom they placed the blame for the failure of the war. But meetings and speeches and valiant "last ditch" resolutions were all in vain. The majority of the soldiers were convinced that the war was over because it was so evidently hopeless. The accummulated discontent of the past month expressed itself in desertion. Magruder declared as early as April 29 that the men at Galveston were deserting by tens and twenties every night.

In the meantime by order of Grant, General Pope had despatched Colonel Sprague to Shreveport to demand of Kirby Smith the surrender of the Trans-Mississippi Department upon the same terms that

were granted to Lee. Smith, immediately, May 9, rejected these, hoping to obtain more liberal terms. With a view to determining upon methods and means of resistance or suitable conditions of surrender, he had just before this summoned to meet him in conference at Marshall, Governor Allen of Louisiana, Murrah of Texas, Reynolds of Missouri, and Flanigan of Arkansas. All attended save Murrah, who was ill, but who sent Colonel Guy M. Bryan of his staff to represent him. It was determined to endeavor to secure more favorable terms, and meanwhile to concentrate the forces of the department at Houston to resist an expected attack upon Galveston. On May 13 the members of the conference drew up a set of terms which they ventured to demand, hoping to preserve the political integrity of their States. In substance these demands were: That officers and soldiers were to be allowed to return directly to their homes; immunity was to be guaranteed against prosecution for offences committed against the United States during the war; officers, soldiers, and citizens were to be allowed to retain their arms and to leave the country if they so desired; the existing State governments were to be recognized until conventions could be called "to settle all questions between the States";[1] and after a certain date each State should be allowed full military authority within its own borders for the preservation of order. This conference at Marshall is notable more for what it hoped for than for what it accomplished. General Pope had already expressly disclaimed any authority to settle political questions. Nevertheless, Sprague, who had been detailed for this purpose, now returned to Pope bearing these demands and a letter from Smith urging reasons for their acceptance, which were chiefly the expense of prolonging the war and the possibility of "foreign complications." The Confederate authorities had already spent much vain effort in endeavoring to entangle Maximilian and the French in Mexico in an imbroglio with the United States. On May 2 Smith had made a last attempt to arouse the anxiety of the Mexican emperor at the prospect of having the distinctly hostile power of the United States re-established on the Rio Grande. But such hopes were futile, if indeed Smith expected any realization of them.

II. The Break-Up and the Surrender

Hardly was the Marshall conference concluded and the counter-demand for terms despatched to Pope when Magruder sent word from Houston that, on the night of the 14th of May, four hundred of the troops at Galveston had attempted to desert the post with arms

[1] An expression which betrays the strong "States' rights" feeling of the conferees. Any suggestion of the authority of the national government over the States was carefully avoided. The chief "question" involved was, of course, the continuance of slavery.

in their hands, but had been persuaded by Colonel Ashbel Smith, aided by a couple of other regiments, to remain a while longer. The troops were all becoming unmanageable, Magruder further reported; they had lost their fighting spirit and could not be depended upon. They insisted upon dividing the public property before leaving, and he thought it best to comply with this demand and to try to send them away to their homes as quietly as possible. Almost immediately came similar reports from Brownsville. The commander at that place reported that at least one-half of his troops had deserted because they thought it was of no use to fight longer, and that war meetings and speeches had no effect upon them. The troops that remained could not be depended upon. Similar accounts came from other points. In many places the soldiers had taken possession of the government stores, sacked them, carried off what they could, and gone home.

The situation was fast becoming desperate, indeed. Without waiting for a response from Pope, Smith immediately despatched General Buckner as commissioner to General Canby, commanding the United States forces at New Orleans, to take up again the question of terms of surrender. He then ordered the evacuation of Galveston and, preparing to concentrate the Texas troops at Houston, he removed his headquarters thither. Before he arrived, about May 29, his army had disappeared. The long dreaded break-up had come.

The order for the evacuation of Galveston had been received on Sunday, May 21, and the movement began the next day. The troops perceived that the end had come and at once became unmanageable. Ranks were broken and almost the whole force swarmed up to Houston. Here a few men of De Bray's brigade maintained sufficient discipline to patrol the streets and preserve order. The city authorities were greatly alarmed, for wild rumors had flown about that the troops had threatened to sack and burn the town, and arrangements were hurriedly made by the mayor and citizens to feed them until they could be passed on through. Saloons were ordered closed, and the disobedient suffered confiscation and destruction of all liquors. For some reason the military patrol was suddenly withdrawn early in the morning of Tuesday, the 23rd. By 8 o'clock a crowd of some two thousand persons had collected before the doors of the Ordnance Building. It was broken into and speedily sacked. The mob then proceeded to the Clothing Bureau. Everything portable was taken. "Blankets, made-up clothing, bolts of domestic, buttons, flannels, shoes, mosquito bars, gray cloth, sides of leather, mule whips, hammers, head stalls, etc., all went into the division and were accepted as new issue." Soldiers, citizens, women, negroes, and children participated. Some of the soldiers held aloof. The crowd was surprisingly quiet, and by 12 o'clock it was all over. The city authorities seemed paralyzed with fear. Later in the day other troops arrived from Galveston and finding the booty gone angrily threatened to pillage the

town; but some of the citizens produced part of the stores and they were redistributed among the late comers. Hastily the mayor made provision for feeding them. Again a patrol, partly of soldiers, partly of citizens, was placed over the city and within a few days quiet was thoroughly restored.

As the disbanded soldiery swept on homeward up through the State similar scenes, on a lesser scale, occurred in many places. There had been no personal violence at Houston, nor was there elsewhere for a time. The soldiers simply took possession of Confederate, and generally of State, property wherever they could find it, alleging that as it had originally been collected for their use and, as they had protected it, they were the nearest heirs of the defunct Confederacy and entitled to this much of the estate.

Added to this was the irritating conviction that while they had suffered hardships in the army they had not been adequately supported by the mass of those who had been allowed to remain at home, and that the resources of the country had been speculated upon and wasted by the incompetent or unprincipled men into whose hands they had fallen.

Nor did public opinion often condemn them. It was generally felt that the soldiers had a better right to the Confederate property than any one else. Private property was generally respected, but that of the State frequently suffered. At La Grange the soldiers of Fayette county held a meeting on May 27 and appointed a committee to gather up all government property in the county and distribute it, looking especially to the interest of indigent soldiers or their families. At Huntsville they levied upon penitentiary cloth, and for a time a fixed amount was given to each applicant. The towns through which they passed, usually in squads, furnished them food—"they are masters of the situation," explains the *Huntsville Item* significantly. As they penetrated farther into the interior of the State they became more reckless. At La Grange and at San Antonio stores were openly pillaged.

Governor Murrah, in an effort to save State property, issued a proclamation on the 25th to all sheriffs and other officers, enjoining them to gather up and preserve for future and more equitable distribution all property of the State and that of the Confederacy in which the State had an interest. It was impossible for this order to be very generally carried out. The widespread feeling of insecurity and tendency to disorder were not lessened by the presence of bodies of armed men marching towards Mexico. General Joe Shelby with a force estimated variously from three thousand to twelve thousand men was on his way to join Maximilian, and levied upon the country as he passed along. Numbers of smaller groups, composed largely of late officials who had elected political exile, were bound for the same destination.

Governor Murrah had, on May 27, issued a call for a special session of the Legislature in July, and at the same time he proclaimed an election for a general convention. The program seems to have been "to adopt the speediest mode of harmonizing the State government with the new condition of affairs, to repeal the ordinance of secession, and to enact other legislation necessary to render Texas a faithful member of the Union." Neither the Legislature nor the convention ever met. It was soon apparent that civil officials would not be recognized by the Federal authorities. Helpless in the midst of the general disorder, from the highest to the lowest, they gradually ceased to attempt to perform their functions. In the absence of responsible authorities lawlessness increased. Jayhawkers, guerrillas, and highwaymen appeared. An attempt was made to capture and rob the penitentiary at Huntsville. The State Treasury at Austin, left without adequate protection, was looted. Predatory bands of robbers and jayhawkers infested all the roads between San Antonio and the Rio Grande. One stage was said to have been held up on an average of once every five miles on the road from Rio Grande City to San Antonio. Affairs were not much better in other sections. Here and there the towns began to organize local police or "home guards" and to clear the country round about. The newspapers besought the people to restore order, as it was the only way by which to obviate the establishment of a military government.

Amid this scene of confusion Kirby Smith arrived in Houston about May 29. On the 30th he issued an address to the soldiers in which he declared that it had been his intention to concentrate the army at Houston, await negotiations and carry on the struggle until favorable terms could be secured. He was now left a commander without an army and, by destroying their organization, he declared, the men had thrown away their only chance of securing honorable terms. On the same day he addressed a letter to Colonel Sprague of General Pope's staff, saying that the Trans-Mississippi Department was now open to occupation by United States troops, since the Confederate soldiers had disbanded. At the same time he declared his intention of leaving the country. In the meantime his commissioner to New Orleans, General Buckner, had been discussing terms of surrender with General Canby. Buckner failed to secure the settlement of any political question, since Canby was not authorized to treat upon those matters. However, a convention was finally agreed upon, May 26, providing, in substance, that the Confederate troops, officers, and men were to be paroled, and to return home, transportation being furnished them where possible. All Confederate property was to be turned over to the proper officers of the government of the United States.

Before General Smith had arrived at Houston, General Magruder and Governor Murrah had made an independent effort to secure

favorable terms of peace for Texas. On May 24, the next day after the sack of the military stores at Houston, they appointed Colonel Ashbel Smith and W. P. Ballinger as special commissioners to proceed to New Orleans and negotiate with General Canby or other proper authority of the United States for "the cessation of hostilities between the United States and Texas."

The commissioners arrived at New Orleans on May 29 and at once solicited a conference. They had seen in the newspapers a copy of the convention between Canby and Buckner, but hoped "to facilitate the prompt and satisfactory restoration of relations between Texas and the United States government." Canby granted the conference, but distinctly stated that he had no authority to entertain officially any questions of civil or political character. The Texas commissioners frankly stated at the outset the actual conditions in Texas—the mutiny and the break-up in the army, the seizure and distribution of Confederate property, the helplessness of the Confederate officials. The people, they said, were heartily tired of the war and ready in good faith to return to their allegiance to the government of the United States; but they were greatly concerned with respect to the course to be pursued by the national government. The commissioners suggested that, inasmuch as the machinery of the civil government of the State was still intact and the regular election of State officers under the constitution in force in 1860 was to fall due the next August, citizens of proven loyalty to the Union be allowed to proceed with this election. It would be a good policy to recognize the existing State government as a government *de facto* in preference to establishing a military government. They also pointed out the great evils to be feared from the dislocation of the labor of the State. There was more cotton in Texas than elsewhere, the crop was far along toward maturity, and its production involved the interest of all, white and black. It was of the greatest importance, therefore, that the negroes should be kept on the farms, and it was suggested that they be paid wages under proper regulations until the whole subject of labor could be properly adjusted.

This conference was necessarily fruitless, for not only was Canby without authority to treat upon the subjects broached by the Texans, but the United States authorities were not likely to yield on a matter of such wide importance as even the partial recognition of the "rebel" State government. As the final effort of the State authorities to save something from the wreck, it is interesting; but it seems impossible that, knowing the outcome of the Sherman-Johnston treaty, they could have hoped for very much along this line.

On June 2 General Smith went on board a United States ship of war at Galveston and formally signed the Canby-Buckner convention. The last vestige of Confederate military authority now vanished. For three weeks, however, after the surrender, the Federals were not able

to send an army to take possession of Texas because of the lack of transports.

Meanwhile conditions in the State grew worse. Wild rumors were afloat of dire punishments to be inflicted upon prominent rebels by the victorious Yankees. Trials for treason before military commissions and wholesale confiscation of property were to be expected. A sort of panic seized upon many of those who had held office under the Confederacy. Others declared they could not live under the odious rule of their enemies and prepared to emigrate. A lively exodus to Mexico ensued. Among those to go were the highest officials in the State, Generals Smith and Magruder and Governors Clark and Murrah. This flight was bitterly resented by those who were left behind.

On May 29 General Sheridan was assigned to the command of the Military Division of the Southwest, headquarters at New Orleans. On June 10 he ordered General Gordon Granger to proceed with eighteen hundred men to Galveston.[2] Granger arrived at Galveston on June 19 and immediately, in conformity to instructions, assumed command of all forces in the State and issued orders declaring that by proclamation of the President all slaves were free, that all acts of the Governor and the Legislature of Texas since the ordinance of secession were illegal, that all officers and men of the late Confederate army were to be paroled, and that all persons "having in their possession public property of any description, formerly belonging to the late so-called Confederate States or the State of Texas," should turn it over to the proper United States officer at the nearest of the previously designated stations.[3] As rapidly as possible troops were pushed into the interior of the State and posted at the most important points. The military were to serve the double purpose of carrying out the provisions of the surrender and of preserving order until a civil government could be established. Most of the troops sent to Texas were ordered to the Rio Grande as a sort of demonstration against the French in Mexico. The rest were wholly inadequate to the efficient policing of the State. The posts established were widely separated and extensive districts, comprising sometimes several counties, were without proper surveillance; and this, too, at a time when society was convulsed with sudden and momentous changes and lawlessness was everywhere. Even under these conditions General Sheridan, to pro-

[2] Sheridan says in the dispatch: "There is not a very wholesome state of affairs in Texas. The Governor and all the soldiers and the people generally are disposed to be ugly, and the sooner Galveston can be occupied the better" (*Official Records, War of Rebellion,* Series I, Vol. XLVIII, Part II, 841). If by this it was meant that further resistance to Federal authority was contemplated, there seems to be absolutely nothing to support his statement. On the other hand, there was widespread disorder and lawlessness, but the reference could hardly have been to that.

[3] These were Houston, Galveston, Bonham, San Antonio, Marshall, and Brownsville.

vide against local resistance or guerrilla warfare, issued orders, June 30, that no home guards or bands for self-protection would be allowed anywhere in the State, on the ground that the military were sufficient for all such purposes. By the same order, neighborhoods infested by guerrillas were to be held responsible for the deeds of the latter,—an act characteristic of the harsh suspicion with which Sheridan always regarded Texas.

The military authorities now proceeded to confiscate all public property that could be found. Such as had belonged to the Confederacy or had been used in the prosecution of the war became the property of the United States, while that belonging solely to the State was held until the proper time should arrive for turning it over to the State officials. But very little of the public property had been left by the soldiers during the riotous days of the "break-up," and the Federals charged that the Confederate officials had not observed the terms of the convention and their parole. These charges, later reiterated, were undoubtedly unjust, for the soldiers had seized most of the property before the surrender, and afterwards the officers were unable to restrain them. Many commands, in fact, had never surrendered, but simply disbanded, as has been shown, even before the convention had been agreed upon at New Orleans.

III. The Cotton Troubles

But if most forms of Confederate property had disappeared or evaded Federal confiscation, it was otherwise with cotton. When the war closed there was scattered all over the country a considerable amount of unmarketed cotton, and as soon as hostilities ceased the holders were anxious to get it to market without delay in order to obtain the enormous prices then being paid for it. General Grant had given orders to the commanders in the Southwest not to interfere with its shipment since it was to the business interests of the whole country that it be marketed, and to encourage shipment in every way. The military were forbidden to institute inquiries as to ownership, but to leave it to the treasury agents to seek out such property as belonged to the government. Accordingly, General Granger, upon his arrival at Galveston, issued orders to the effect that until the arrival of treasury agents all cotton would be turned into the quartermaster's department for shipment to New Orleans or New York, there to be sold to United States purchasing agents. Bills of lading were to be given and the owners were to be allowed to accompany the cotton in order to effect the sale. This order was in force for little more than a month. Treasury agents soon arrived and swarmed over the State, seeking out and taking possession of everything belonging to the late Confederacy, especially cotton. Some of this cotton had actually be-

longed to the Confederate government; some had been set aside to pay the tax but had never been delivered; some had been purchased by the State Military Board but had never been paid for nor delivered; some had gone to pay State taxes and was now State property; but a great part had never been anything but private property. The greatest possible confusion arose in regard to the ownership of these various classes of cotton. The planter who had produced it was unwilling to give up, as Confederate property, cotton that had never been paid for, and he still claimed it as his own; nor, it must be confessed, was he always active in turning over that which had actually been paid for (in Confederate paper), or which had been raised for the government under the terms of an "exemption contract." [4] On the other hand, the claims of the treasury agents were sweeping. By order of the general agent for Texas, H. C. Wamoth, all personal property that was "actually or constructively in the possession of the Confederate States at the time of the surrender" was to be seized. In all cases persons who wished to ship cotton from any point in Texas were required to give satisfactory evidence that the cotton for shipment was not "surrendered" cotton. The burden of proof, therefore, was on the owner of the cotton.

It is obvious that in the confusion involving the subject and incident to public affairs generally, it must have been no easy task even for the most upright and generous minded agent to keep clear of popular disfavor; but the almost unlimited powers delegated to these agents and the constant opportunities for fraud and peculation, with little danger of punishment, were in themselves demoralizing. There seems to have been a large amount of truth in the charges of fraud, robbery, and extortion that were made against so many of these officials. A petition to President Johnson, printed in the *Washington Republican* (Washington, D. C.), and signed by merchants, business men, and planters of Louisiana and Texas, declares that great frauds and acts of oppression were continually practiced by treasury agents in the matter of cotton; that the planters west of the Mississippi had rarely received anything in payment from the Confederate government, and had been informed by agents, military officials, and by the Secretary of the Treasury himself, that cotton not thus paid for or delivered would pass like any other cotton. Yet when the cotton had been sold to the merchant the treasury agent stepped in and took possession of it. Trade was paralyzed, capital made timid, and the planters were unable to sell their cotton or to hire the labor they needed. A correspondent of the *New Orleans Picayune,* writing from Eastern Texas, gives an account of similar difficulties, and declares that every agent under whose inspection the cotton passed required

[4] An arrangement whereby a planter had been granted exemption from military service upon condition of raising a certain amount of cotton, corn, or beef for the Confederate government.

new proof, which was always inconvenient to obtain. Several cases of fraud came to light at Jefferson, Texas, where a treasury agent was later indicted on three distinct charges of fraud and swindling. He was released by the military authorities. Usually there was no recourse whatever for the parties claiming to have been wronged. A favorite device of the dishonest treasury agent was to hold back a lot of cotton from shipment under pretense of investigating the title until the owner was willing to give a bribe for its release. Sometimes he took possession of the cotton outright and shipped it on his own account. At other times he ordered it shipped to certain points at high rates and received a rebate on the transportation charges.

These troubles involved only the cotton left over from the crop of 1864, but so slowly was that crop marketed that they did not cease until the beginning of 1866.

IV. The Negro Question and Labor Conditions

The turmoil and confusion of the "break-up" and the general dread of all that a military occupation might entail had at first diverted public attention somewhat from the most serious problem that the close of the war had forced upon the people of the South. What was to be done with the negro? Was he to be set free, and if so, what measure of freedom should he have? How was his labor to be secured and so regulated that he should be an economically efficient member of society? What was to be his position in this society, in the broad domain of civil rights and privileges, and in political affairs? The magnitude of the problem was not at once appreciated; for the time being public attention was engaged solely with that part which was of most immediate concern, the measure of freedom to be accorded to the late slaves and the best method of securing his labor. The other and more intricate phases of the question were of later development, and the contingencies which gave rise to them were then but dimly apprehended.

It had been long foreseen that in the event of Federal victory a change in the status of the negro would be inevitable. Indeed, the certainty of his emancipation in case of the failure of the South had been wielded as a goad to a "last ditch" struggle. Yet the Confederacy itself, in final desperation proposed to grant freedom to the slaves as a reward for military service. The plan came to nothing, for the Confederate government was then on the point of collapse. Then, too, slavery as a system had already been shattered east of the Mississippi by the presence of the Federal armies. In Texas, however, undisturbed by invasions, the institution had remained essentially unimpaired. But with the break-up of the Confederate armies and the approach of the Federals the changed status of the negro was now sharply emphasized. Long before Granger's procla-

mation at Galveston, June 19, it was generally known that the slaves would be freed. In some cases the planters anticipated the emancipation by setting their negroes at liberty; sometimes the negroes themselves slipped away from their homes and began roaming about the country; but for the most part they were kept at home to await Federal action.

Even at this time, despite the attitude of the national authorities, there was considerable belief that slavery as an institution was not dead nor yet doomed to die. The *Marshall Republican,* the most important weekly of Eastern Texas, in its issue of June 16, reviewed the situation, describing the demoralization of the negroes, who were lapsing into vagrancy and consequent "filth, disease, and crime." The negroes would not work when once it was definitely known that slavery was to cease, and the crops could neither be cultivated nor gathered. The *Republican* affected to believe that "the ruinous effects" of freeing four millions of ignorant and helpless blacks would not be confined to the South, but that the blight would be communicated to the North, and that "the time would come when the people of that section would be glad to witness a return to a system attended with more philanthropy and happiness to the black race than the one they seem determined at present to establish; for they will find that compulsory labor affords larger crops and a richer market for Yankee manufacturers." The masters were advised, therefore, not to turn their slaves loose to become demoralized, but to maintain a kind and protecting care over them. "The amendment to the Federal Constitution abolishing slavery has not been ratified by three-fourths of the States, nor is it likely to be in the ensuing ten years. When the State governments, therefore, are reorganized it is more than probable that slavery will be perpetuated. We can tell better then than at present how long it is likely to endure and prepare for the change." Emancipation, if adopted at all, should be gradual, but "there is but little reason to doubt that whether or not slavery is perpetuated in name, there will be a return to a character of compulsory labor which will make the negro useful to society and subordinate to the white race." The *Houston Telegraph,* while conceding that emancipation was "certain to take place," was of the opinion that paid compulsory labor would replace unpaid. Since the negro was to be freed by the Federal government solely with a view to the safety of the nation, his condition would be modified only so far as to insure this, but not so far as materially to weaken the agricultural resources of the country. Therefore, the negroes would be compelled to work under police regulations of a stringent character. Under this happy system insolence was to be provided against on the one hand and injustice on the other.

Such seem to have been the hopes of the well informed. To men accustomed to dealing with the indolence of the negro in slavery,

such a thing as successful free negro labor was absolutely unthinkable. No other than negro labor seemed available on the great bottom farms of the "black belt"; without this labor the planting interests were threatened with ruin; and, moreover, to leave the negro the prey of the vice and misery certain to result from idleness and vagrancy would be criminal. Compulsory negro labor, then, seemed the natural and necessary arrangement. It was clear enough, too, that slavery as an institution, recognized by the constitution, could not be abolished by proclamation, and that three-fourths of the States would adopt an amendment abolishing slavery seemed preposterous. Thus the life-long beliefs and prejudices of the Southerner conspired with the exigencies of the situation to lead him into a policy which, certain to be distorted in reports given to the North, was in its reaction to force upon him the very things he would have feared most,—his own disfranchisement and negro domination.

Serenely unconscious of negro incapacity and unembarrassed by constitutional guarantees, the Federal military authorities proceeded to complete the work cut out for them. In his emancipation proclamation, issued at Galveston on the 19th of June, General Granger declared that in accordance with the presidential proclamation all slaves were free, and that this involved an absolute equality of personal and property rights between former masters and slaves, the previous connection between them becoming that between employer and free laborer. Mindful of the propensities of the freedmen, he advised them to remain at home and work for wages, and warned them that they would not be allowed to collect at military posts, nor would they be supported in idleness there or elsewhere.

As long as the regular army officials were in control, that is, until the officials of the Freedmen's Bureau arrived, efforts were made to keep the negroes under strict supervision. In the published general orders of post commanders at various points during June and July, Granger's proclamation is reflected—the freedmen are repeatedly urged to stay at home and go to work for their former masters for wages; they are assured of their freedom and of protection from injustice, but are warned against vagrancy under penalty of being put to hard labor without compensation; and in many cases they are not permitted to travel on the public thoroughfares without passes from employers. That the army officials failed to keep the negroes from vagrancy is not surprising. The army posts were too far apart to keep all communities under surveillance, and the freedmen themselves were too ignorant to understand that their new freedom did not mean immunity from work, and that they could not be fed and clothed forever by their liberators.

The military officials made no effort at first to superintend the drawing up of contracts between the freedman and his employer, nor to act for the freedmen in stipulating wages or other terms. The

provost marshal general for Texas, Lieutenant-Colonel Laughlin, issued a statement that negroes would be allowed to make contracts with whomsoever they wished, and that both parties would be held to the terms of the contract; that "unless other regulations are promulgated by the Freedman's Bureau," the amount and kind of consideration for labor should be *entirely* a matter of contract between the employer and the employees. Perhaps it would have been better if the rate of wages had been fixed in some way, for some contracts were practically nullified later by the Bureau. It had frequently happened that a planter, not feeling able to pay wages,—for ready cash was scarce, political conditions unsettled, and the outlook uncertain,—had arranged for his freedman to work temporarily for food and clothing, for himself and family. In most cases the freedman was to receive a part of the crop in the fall. To the childlike negro, concerned only with the immediate present, there was no difference between this and his old condition as a slave, and he soon wished to leave.

From a few sections the reports were favorable—the blacks were making contracts and remaining at work; but as the summer wore on complaints came from all sides that vagrancy, theft, vice, and insolence were increasing, and that where negroes had made contracts they broke them without cause, often leaving their families for their employers to feed. The *Houston Telegraph* thought it necessary to warn the people not to allow themselves to develop a feeling of hostility and bitterness toward the blacks, who, although they were doing very many foolish and vexatious things, were "not responsible for their own emancipation." It would have been well if the whites generally could have shown this tolerant spirit; but for his former master to show indulgence to the freedman who broke his contract when it suited his whim, disobeyed orders just to see how it felt to be "free," and spent most of his time "visiting around" when the crops were most in need of work, was more than could be confidently expected of the average employer. For the time being, fortunately, in the southern part of the State, where the demoralization was worst, the crops were already well advanced and would need but little attention until fall. In the north and northeast, where the Federal troops had not yet penetrated, the negroes had shown less inclination to wander about, or else their former masters had taken steps to keep them at home. While in a few instances these planters endeavored to keep their negroes in ignorance of their freedom, in most cases their efforts took the form of combinations among ex-slave holders to control the labor of their former slaves; and usually each planter agreed to hire no negro without the consent of his former master. Sometimes freedmen who broke contracts and went away were brought back by force, and in some cases the planters were guilty of needless cruelty. The army officials generally en-

deavored to hold the negroes to their contracts, but at the same time they refused to allow coercion on the part of employers.

The discontent grew steadily worse and found expression in a more and more insistent demand, chiefly on the part of planters and newspapers in the interior, for State regulation of black labor. The *Telegraph* alone pointed out that the "North would not likely allow the South thus to enjoy the fruit of the contest over slavery after having lost the contest," and advocated securing the immigration of white labor.

Conditions in the black belt did not materially improve during the summer. There was much uneasiness because of persistent rumors that negro troops were to be sent to Texas for garrison duty; for it was generally felt that their presence could only aggravate the situation and might make it positively dangerous by inciting unruly negroes to lawlessness and precipitating racial disturbances. It was also known that the Freedmen's Bureau was to be established in Texas, and the anxiety and distrust that were felt as to its attitude on the labor question did not tend to alleviate the growing discontent. Public opinion had become skeptical of the ability of the army officials to provide the usual and necessary supply of black labor, and manifested a greater eagerness for the speedy restoration of the regular State government which could be expected to deal with the problem in a manner agreeable with the customs and social ideas of the people. For this reason, largely, the arrival of the newly appointed provisional Governor, A. J. Hamilton, who came to restore civil authority and set in motion again the machinery of State government, was greeted with expectant interest.

CHAPTER XXXIX

THE RECONSTRUCTION PERIOD, 1865–1874

By Dudley G. Wooten

[This selection is from Wooten, *A Complete History of Texas,* Chapter XXIV (Dallas, 1899). See: Ramsdell, "Texas from the Fall of the Confederacy to the Beginning of Reconstruction" (in the preceding chapter) and "Presidential Reconstruction in Texas," in *Quarterly* of the Texas State Historical Association, XI, 199–219, 277–317; also the same author's *Reconstruction in Texas,* 27–318 (Columbia University Press, New York, 1910); Wood, "Reminiscences of Texas and Texans Fifty Years Ago" and "The Ku Klux Klan," in the *Quarterly* of the Texas State Historical Association, V, 113–120, IX, 262–268; Wheeler, "Reminiscences of Reconstruction in Texas," in the same *Quarterly,* XI, 56–65; Roberts, "The Experience of an Unrecognized Senator," in the same *Quarterly,* XII, 87–147. Read: Garrison, *Texas,* Chapter XXIII; Barker, Potts, and Ramsdell, *A School History of Texas,* 224–242.]

The fall of the Confederate States was hardly assured, when the President of the United States, Abraham Lincoln, was assassinated, April 14, 1865. The Vice-President, Andrew Johnson, succeeded him, and a serious struggle at once began in regard to the course to be pursued towards the States lately belonging to the Southern Confederacy.

According to the political theories of the Republican party of the North, a State could not successfully secede, the Federal government being "an indestructible Union of indestructible States." Upon this theory the Southern States were still in the Union, and only required to be *reconstructed,* so as to bring their governments and people into harmony with the changes brought about by the war. Just as the war was closing, Congress adopted two amendments to the Constitution, one of which abolished and prohibited slavery in the United States, and the other practically destroyed the control of the States over their own citizens and affairs by creating a United States citizenship superior in its rights of person and property to citizenship in the several States. These were the *Thirteenth* and *Fourteenth Amendments,* passed respectively in February and June, 1865, and were supposed to contain the practical results of the Civil War. In order for the amendments to become a part of the Constitution, they would have to be adopted or consented to by three-fourths of the States, and it required the votes of some of the Southern States to make up the necessary three-fourths. Here was a dilemma. The lately

seceding States were still in the Union, and hence had the right to vote on the adoption of the amendments; it was absolutely certain that, if those States were allowed to express their true and intelligent choice, they would never assent to the proposed changes, and yet it was necessary to secure enough of the Southern States to carry the amendments. What was to be done? *Reconstruction* was the method proposed, but there was great difference of opinion as to the course to be pursued in reconstructing the State governments of the South.

President Johnson determined to adopt the plan of simply punishing the most prominent leaders in the late war by depriving them of all civil rights, and then he would appoint provisional governors in the Southern States and invite the people of those States to call conventions, reorganize their governments, and resume their former places in the Union. This was called *Presidential Reconstruction,* and it proved a failure so far as accomplishing the purposes of the North was concerned. The Southern States had never been without their regular constitutional government; there had been no destruction of their usual republican forms of government requiring to be reconstructed, and hence, when they were forced by military power to carry out the President's plan of reorganization, they simply re-enacted their former laws and constitutions and remained the same States they had always been, and unanimously opposed to the Thirteenth and Fourteenth Amendments. This was inevitable, and it was right and proper, if the theory of the Northern statesmen was correct, that the seceding States had never left the Union. But it did not serve the end the North had in view in waging the war. To carry out the *Republican* ideas of government, the negro must be freed and clothed with all civil and political rights as a citizen of the United States, and a new definition of citizenship must be made, so as to give the Federal government power to override the States in enforcing the newly created rights of the recent slaves. Presidential Reconstruction evidently would not accomplish the purpose, and so Congress, ruled by the most violent of the radical Republicans, took hold of the matter in 1867 and 1868.

Congressional Reconstruction, as the methods pursued by Congress were called, consisted in placing the Southern States under the absolute and arbitrary control of the military power, disfranchising enough of the intelligent white citizens who had taken part in the war to place the Union men and negroes in the majority, and then adopting such State Constitutions and laws as would force upon the people the adoption of the amendments and the doctrines and institutions of the Northern Republicans. And it must be remembered that all these reconstruction measures were passed through Congress while the Southern States had not a Senator or Representative in that body, notwithstanding it was constantly asserted that the Union had never been dissolved and that the South had not in fact seceded.

The foregoing is necessary to be understood in order to explain the history of those times and to follow intelligently the course of events in Texas.

After the close of hostilities in April, 1865, there was a period of two or three months when the State had no government of any kind. Soldiers were returning home, some fleeing to Mexico, and everything was chaos and gloom. On June 19, 1865, General Gordon Granger, of the United States army, assumed military command over Texas, declared all that had been done by the State government since 1861 null and void, and proclaimed the freedom of the negroes. In July, President Johnson appointed A. J. Hamilton *provisional governor* of Texas, and he began the performance of his duties on the 25th of that month. According to the plan of Presidential Reconstruction before explained, a State Convention was called to amend the Constitution and reorganize the government. It met February 7, 1866, and adopted the Constitution of 1845, in force at the time of Secession in 1861, with certain amendments, thereby ignoring all that had been done by the Secession Convention. One of the amendments to the Constitution was to increase the judges of the Supreme Court from three to five. It was provided by the Convention that a general election should be held on the last Monday in June to choose all the State, district, and county officers, and members of the legislature, and for the ratification of the amendments to the State Constitution. Before adjourning, the conservative members of both parties in the Convention agreed upon James W. Throckmorton as a proper candidate for governor, and George W. Jones for lieutenant-governor. George F. Moore, Richard Coke, Stockton P. Donley, A. H. Willie, and George W. Smith were also agreed upon for the new Supreme Court judges. At the election in June, 1866, Throckmorton and Jones were elected, receiving about forty-nine thousand votes as against about twelve thousand for E. M. Pease and L. Lindsey, the opposing candidates, and the gentlemen above named were elected to the Supreme Court.

On August 9, the legislature met, and the new State officers were installed. O. M. Roberts and David G. Burnet were elected United States Senators from Texas; and in the election held in the fall of 1866, members of Congress from the State to the Thirty-ninth Congress, then in session, and to the Fortieth Congress, were chosen. The members elected to the Thirty-ninth Congress were George W. Chilton, B. H. Epperson, A. M. Branch, and C. C. Herbert, from the four districts in the order named; and the same gentlemen were also elected to the Fortieth Congress, except George W. Chilton, in whose stead James M. Burroughs was chosen.

The legislature passed quite a number of needed laws for the protection of the frontier against Indians and to restore the prosperity of the State. The people were hopeful and industrious, the govern-

ment moved smoothly, and nothing was wanting to make Texas again a thriving State in the Union, except the removal of the United States soldiers and the admission of her Senators and Representatives in Congress. But neither of these events happened. The new order of things did not suit the Republican party. The country was full of soldiers and Northern politicians who came with the army, and their influence was a continual source of trouble between the recently emancipated negroes and their former masters. The old Union men of Texas, who had opposed Secession and claimed to be the "truly loyal" citizens, were very much dissatisfied to see the government once more in the hands of the men they had resisted in 1861. There was much bitterness of feeling on both sides, and men's minds were not favorable to a harmonious settlement of existing differences. The Northern Republicans who came South after the war were called "Carpet-baggers," and the native Union men and Republicans were called "Scalawags." These terms indicate the odium in which the Reconstructionists were held by the Southern people, and such epithets did not increase the prospect of peaceful times.

In this condition of things, Congress took the reconstruction of the Southern States out of the hands of the President, and proceeded to inaugurate the measures known as Congressional Reconstruction, above described. The Senators and Representatives from Texas, like those of the other late Confederate States, were refused admission to Congress. Military governments were established throughout the South. On March 19, 1867, General P. H. Sheridan, in command of the military department which included Texas, issued an order placing General Charles Griffin in command of the district of Texas. Governor Throckmorton gave such aid as was requested of him in carrying out the new plan of reorganization; but on July 30, 1867, General Sheridan, by military order, removed him from the governorship, "as an impediment to reconstruction," and appointed Elisha M. Pease in his place. All officers were removed by the military power, and their places filled with those supposed to be in sympathy with the methods of Congressional Reconstruction. The Supreme Court as thus changed consisted of E. J. Davis, C. Caldwell, Amos Morrill, A. H. Latimer, and Livingston Lindsey. No man could hold an office, or participate in any of the elections that were to be held, unless he could take the "Iron-Clad Oath," as it was called. This oath was to the effect that the person taking it had not taken part in the late Rebellion, or given aid thereto; which, of course, disfranchised nearly all the white voters in the State. The "Freedmen's Bureau" was established in Texas and the other Southern States, —being a military court composed of United States officers, whose special duty it was to protect the negroes in their recently acquired rights, and a great many rights that they had not acquired.

In opposition to these measures there was organized among the

Southern people what was called the "Ku-Klux Klan," a mysterious secret organization, whose members would parade at night through the towns, on horseback and fully armed, clad in long white or black robes, with masks on their faces and high peaked hats,—claiming to be the returned spirits of dead soldiers who fell in the late war. Their formidable and ghostly array produced great terror among the negroes, and there is no doubt it had a wholesome effect to restrain an ignorant and deluded race of lately emancipated slaves, whose worst passions were being aroused by unprincipled white politicians. In some localities, however, in the South, the Ku-Klux and other lawless bands who assumed their name and garb did not confine themselves to mere displays of mysterious power. Many cruel outrages were perpetrated in their name, and the organization became a menace to the peace and order of society. It is not believed, however, that such lawless acts were ever committed to any great extent in Texas.

A convention was called to meet at Austin, June 1, 1868, to frame a new State Constitution, in accordance with the reconstruction measures of Congress. In selecting delegates to that convention, nearly all the white citizens of Texas were prevented from voting by the "Iron-Clad Oath"; and it was understood that Governor Pease and those acting with him proposed to still further disfranchise the Democrats of the State, by unjust rules and requirements in the registration of voters. This called out from General Winfield S. Hancock, then in command of the department at New Orleans, his famous order and letter, in which he rebuked such an attempt, and declared that the legal voters of Texas must have their rights respected and their votes recorded. The Reconstruction Convention met at the appointed time. Edmund J. Davis was elected president, and the leading men in it were A. J. Hamilton, Morgan C. Hamilton, A. P. McCormick, C. Caldwell, Arvin Wright, and Lemuel D. Evans. The Hamilton brothers, A. J. and Morgan C., were on opposite sides in the issues that arose in the convention; the former being liberal and just in his desire to protect the men who had taken part in the war, while the latter was extreme and radical in the purpose to completely destroy their influence in the government of the State.

The Reconstruction Convention lasted from June 1, 1868, until February 6, 1869, and it never did actually adjourn, nor was the Constitution ever finally adopted by a vote of the convention or signed by the members. Its proceedings were very irregular and disorderly, and often there was no quorum present. Many members went home in disgust, and one of these, a colored delegate from Galveston, Hon. G. T. Ruby, filed his withdrawal in the following language: "Believing that the present reconstruction convention has lost, through many of its members, all regard for dignity and honor as a legislative assembly, and that its continued assemblage will only terminate in disgust to the entire country, I herewith tender my resignation as a

member hereof, and as a delegate from Galveston County." The Constitution framed by this body is known as the Constitution of 1869. It lengthened the terms and increased the salaries of all officers; reduced the Supreme Court to three judges, and made all judicial officers appointive instead of elective; and required all elections to be held at the county seat of each county, and to last *four days.* The most meritorious features of this Constitution were the liberal provisions made for the public free schools. In addition to lands, bonds, and funds belonging to the schools under former laws, it was provided that all receipts from public lands in the future should go to the school fund, and one-fourth of the annual taxes and all of the poll-tax were appropriated to the schools—all to constitute a permanent fund, whose interest could be used to support the free-school system. A State superintendent of public instruction was also provided for, and a bureau to encourage immigration.

While these events had been occurring in Texas, enough of the Southern States had been reconstructed by Congress to adopt the Thirteenth and Fourteenth Amendments, and a *Fifteenth Amendment,* allowing negroes to vote, was passed through Congress in February, 1868, but was not ratified by three-fourths of the States until 1870. The right of suffrage, however, was extended to the recent slaves in Texas by the Constitution of 1869 and the ordinances of the military power. In December, 1869, Governor Pease, being dissatisfied with the extreme measures and methods employed in reconstruction, resigned the office of governor, and from that time until the new administration came in, General J. J. Reynolds was the military governor of Texas. In the subsequent political movements in the State, Pease acted with the Hamilton and against the Davis party. The election for the State and county officers was held in November, 1869, and E. J. Davis was elected over A. J. Hamilton by the close vote of 39,901 to 39,092. The Constitution was ratified by a large majority. J. W. Flanagan was elected lieutenant-governor. The registration showed the total number of voters in the State to be 135,553, of whom 78,648 were white and 56,905 were negroes; so that 56,560 voters did not participate in the election.

Governor Davis took the oath of office January 17, 1870, for the four years' term created by the new Constitution. The legislature met in February, adopted the Fourteenth and Fifteenth Amendments, and elected Morgan C. Hamilton to the United States Senate for the term ending March 3, 1871, and also for the term ending in 1877. J. W. Flanagan was elected Senator for the term ending in March, 1875. This government was declared to be merely provisional until Congress should accept the new State Constitution, which it did on March 30, 1870, and the Twelfth Legislature met in regular session on April 26, 1870.

It would be a fruitless and unpleasant task to review the details

of the Davis administration. He was personally and socially a courteous and considerate gentleman, but politically he was as thoroughly unfitted for the head of a constitutional government in a free country as it is possible to imagine. His administration was one of boundless extravagance, disorderly and lawless despotism, increasing disregard of every principle of personal and political liberty, and it brought utter ruin to the best interests of the State and its citizens. He was given enormous power and patronage by the legislature, and he used them in the most reckless and arbitrary manner. He established a State police, officered by petty tyrants and composed of disreputable adventurers. He assumed the right to declare martial law whenever and wherever his authority was resisted, and he reduced whole counties and districts to a state of terrorism and outlawry. Finally, the profligate course of public expenditures and the increase of taxes to the verge of confiscation aroused men of all parties to overthrow such a ruinous system of misrule.

In September, 1871, a "Non-Partisan Tax-Payers' Convention" was held in Austin, to protest against the abuses of the State government. Besides the prominent Democrats in the State, it contained such men as A. J. and Morgan C. Hamilton, Ex-Governor Pease, George Hancock, and many leading Republicans; and Governor Pease was president of the convention. That convention ascertained and published to the world the fact that the two legislatures of 1870 and 1871 had appropriated for the expenses of the government the enormous sum of $3,752,875, besides subsidies granted to railroads amounting to $14,000,000; and the State and county tax was $2.17½ on each one hundred dollars, besides poll, occupation, and license taxes. All these facts being circulated among the people, as well as the many acts of Governor Davis in violation of the Constitution and laws, a revolution in public sentiment began to take place. No election for members of the legislature was held until November, 1872; but the Thirteenth Legislature, which met in January, 1873, had a majority in both houses opposed to Governor Davis. It proceeded to repeal many objectionable laws, and it set aside the grant of $6,000,000 to the Texas and Pacific Railroad Company, substituting lands therefor, as had always been the policy of the State.

A general State election was held in November, 1873, the old method of voting by precincts and on *one day* only having been restored by the Democratic legislature. Richard Coke and R. B. Hubbard were the Democratic candidates for governor and lieutenant-governor, against E. J. Davis and Robert H. Taylor, Republicans. Coke received 103,038 votes to Davis's 51,220, and the entire Democratic ticket was elected. As soon as the result was known, Governor Davis declared he would not surrender the office until April 26, that being the date when the Twelfth Legislature met in regular session in 1870; when, by law, his term expired in January. Finding that

this contention would probably fail him, a method was then adopted to set the entire election aside as illegal, because it had not been held on four days, as provided in the Constitution. To raise this question, a Mexican named Rodriguez was arrested for illegal voting, and he pleaded in defence that the election at which he voted was not a legal and valid election. In order to settle the point, it was necessary to construe a sentence in the Constitution in which a *semicolon* was used, and a change in the punctuation might change the meaning. The case came before the Supreme Court, composed then of Judges J. D. McAdoo, Moses B. Walker, and Wesley Ogden, and the court held the election to be illegal and void, basing the decision on the force of the semicolon. Upon such slender threads do the destinies of nations sometimes hang! That court has always since been called the "Semicolon Court," and to this day none of its decisions are ever cited as good law in the courts of Texas.

But the Democrats were not to be cheated of their victory by judicial quibbles over punctuation, nor by the arbitrary claims of Governor Davis. They prepared to assume control of the government to which they had been elected by the people, peaceably, if possible; forcibly, if necessary. Governor Davis appealed to President Grant for military aid, the capitol was occupied and surrounded by armed men, and a bloody revolution seemed inevitable. But, fortunately, the Federal authorities declined to interfere; Davis sullenly yielded, Coke was inaugurated, Reconstruction had ended, and on January 17, 1874, Texas was once more a free State in the American Union.

CHAPTER XL

THE GRANGE AS A POLITICAL FACTOR IN TEXAS

By Roscoe C. Martin

[This paper is from *The Southwestern Political and Social Science Quarterly*, VI, No. 4 (March, 1926). It and the same author's article on the Greenback party in Texas (*Southwestern Historical Quarterly* XXX, 161–177) give some account of "third parties" in Texas politics. See also: Winkler, *Platforms of Political Parties in Texas* (University of Texas Bulletin, 1916). Read: Barker, Potts, and Ramsdell, *A School History of Texas*, 243–266.]

In introducing a study, however brief, of the local activities of the farmers' organization known as the Grange, it is necessary to call attention briefly to certain of the larger phases of the movement. It must be understood, first, that the Grange was not a localized organization, but that it was the local reflection of a movement nation-wide in its scope and importance; and, second, that the Grange as such was not an isolated incident, but that it was properly considered one phase of a great "Agrarian Crusade" which swept the country during the last quarter of the nineteenth century. Hence, although this paper is dedicated to the task of examining the influence of the Grange as a political factor in Texas, it will be profitable to digress somewhat and to note briefly something of the nature of the farmers' crusade in its entirety.[1]

The agrarian unrest existent throughout the United States during the last quarter of the nineteenth century was due immediately to certain well-defined causes and factors which combined to react in a way unfavorable to agriculture and agriculturists the country over. The farmers were confronted with very real and practical problems, upon the solution of which depended to a considerable extent the prosperity of the agricultural classes. Certain other classes were concerned in working out the same problems; but none of these were as vitally interested as the farmers, whose very existence was bound up inextricably with the remedying of ills and the ameliorating of conditions known to workingmen in general and to the farmers in particular. These conditions were largely economic in nature, al-

[1] Solon J. Buck gives what is probably the clearest, most succinct survey of the movement for organization and coöperation among the farmers in his book entitled *The Agrarian Crusade* (Yale University Press, New Haven, 1920).

though in certain sections the farmers were disgruntled with the political situation. The railroads, for example, brought with them certain problems, in the solution of which the agricultural classes were vitally interested. The discontent everywhere evident is proof sufficient that the farmers were far from satisfied with the situation brought about by the railroads and their relations with the various state governments. Again, while the prices of agricultural supplies and necessities advanced steadily, those of farm produce remained stationary, or, in some cases, even declined. This constituted a ground of complaint which was capitalized to the fullest extent by the farmer's organizations. Thirdly, there was the whole question of the currency. The farmers naturally enough wanted more instead of less money, and they directed their energies toward carrying their point here. There were other "sore spots" which contributed to the discontent of the agricultural classes: the tariff demanded an adjustment, from the point of view of the farmer especially; the question of reconstruction was a grave one; and, in the South, at least, the negro problem was one which weighed heavily upon the shoulders of the farmer. All these problems contributed their bit to the ever-growing tide of discontent among the agriculturists, a tide which issued finally in a great movement for organization and coöperation known as the Agrarian Crusade.

The Agrarian Crusade was ushered in with the organization of the Grange, an order which was professedly non-political in character, but which nevertheless managed to call the attention of both state and national governments to its demands in such a way that they were not to be denied. Following the Grange and accepting its financial teachings in good part was the Greenback Party, which championed the cause of the agricultural classes in political campaigns until the early eighties, when the movement began definitely to subside. Both of these organizations gained concessions for the farmers, but even as the Greenback cause declined it became evident that the reforms brought about by the early agrarian agitators had not been as thoroughgoing as the farmers desired. With the realization of this fact went the conviction that further reforms and concessions should be demanded; hence a new representative of the agricultural classes was not long in taking shape. The Farmers' Alliance assumed form slowly during the early eighties, and by the latter part of the decade was able to step into the breach left by the demise of the Greenback Party. The Alliance, like the Grange fifteen years previous, was professedly a non-political organization; but, also like the Grange, it was possessed of a tremendous strength as a political factor. Nevertheless, its leaders refused to participate in political campaigns in the name of the order, and the People's Party was organized in 1890–92 with the principles of the Alliance incorporated in its platform. The earlier organization gave way to Populism, and the agricultural classes

united in national politics in support of Populist candidates, many of whom were elected. The party came to an untimely end when, in 1896, the Democratic Party incorporated the Populist platform into its own, accepting almost in their entirety the principles announced by the People's Party. The capture of the Democratic Party may be looked upon as the ultimate political triumph of the Agrarian Crusade, since by that fact the farmers were guaranteed actual consideration for their demands.

The passing of Populism brought to an end the crusade of the farmers, a movement which had been in progress for a quarter of a century. Various other organizations have come into existence since 1900, but there has been no definite, clear-cut movement such as that which swept the country during the latter part of the nineteenth century.[2] The twenty-five years from 1875 to 1900 are unique in American politics, for they witnessed a phenomenon which is without parallel in the history of the country. Four great movements arose in turn in protest against the economic (and in some cases the political) system under which the agricultural classes labored—namely, the Grange, the Greenback party, the Farmers' Alliance, and the People's party. The four were essentially related. Although each differed from the others in organization, and, to some extent, at least, in statement of principles and policies, all had the same ultimate end, to gain privileges and concessions for the farmers whenever and wherever possible. Thus the four are considered as but parts of the great movement evident of the general feeling of agricultural discontent throughout the period and known popularly as the Agrarian Crusade.

From these considerations it is fairly evident that no one of the four movements which constitute the Agrarian Crusade may be studied properly as complete in and of itself. Nevertheless, if it be kept in mind that the four are inseparably related, it may prove profitable to give individual attention to each. The Grange in particular lends itself to separate examination. In the first place, it was the movement which introduced the Agrarian Crusade, and therefore merits special consideration. In the second place, while it cannot be separated from its successor, the line of demarcation between the two is sufficiently plain to permit such consideration without a great deal of loss or inconvenience. In the third place, the accomplishments of the Grange and the results of Grange organization, while not always clearly evident, are reasonably definite in character, and thus may be noted with a fair degree of accuracy. It would seem, therefore, that we may discuss the political consequences of the Granger movement

[2] An exception must be noted in the case of the Farm Bureau movement, which has gained great momentum during the last decade. The Farm Bureau undoubtedly wields a great power in politics, although it is not possible at this time to measure accurately the importance of its activities.

in Texas with a reasonable assurance that the results to be considered are those, directly or indirectly, of the activities of the Grange in the state.

The order known as the Patrons of Husbandry, or, more familiarly, the Grange, was founded in 1867, the national organization preceding the local. Its founder, O. H. Kelley, a clerk in the Agricultural Bureau at Washington, conceived the idea while traveling through the South on an official mission in 1866. Kelley was struck by the apathy of the farmers generally, and by the universal economic depression among the agricultural classes; and he returned to Washington determined to devise some scheme which would assist the farmer in meeting the new and strange problems which confronted him. His idea took form in 1867 with the founding of the Grange, his associates in the venture being some half-a-dozen government clerks. A well-directed publicity campaign coupled with Kelley's perseverance served to tide the organization over the initial lean period, and within three or four years the Grange was known throughout the length and breadth of the agricultural section.

The Grange reached Texas in 1873 with the establishment of a subordinate grange at Salado, in Bell County. Thenceforward, the movement gained momentum rapidly throughout the state, so that by April, 1874, three hundred and sixty granges had been founded. In the meantime, the Texas State Grange had been organized, although its organization was not perfected until a meeting of April 14, 1874. The State Grange grew and prospered, until, at the peak of the movement in 1876 and 1877, it boasted a membership of 45,000, of whom 6,000 were women. A period of decline set in immediately thereafter, and the State Grange lost heavily and steadily in membership. At no subsequent date did it approach the 40,000 mark; and, although it was granted a brief respite in the early eighties, the reawakening of interest was only temporary. As an organization of statewide interest and importance, the order was of little influence after 1880, and after 1885 it was rarely referred to, even in a casual way, by contemporary writers.

The purposes of the Grange, as stated by its officers, may be summed up under three heads. In the first place, the home life of the members was to be given a new meaning by the activities of the order. In the second place, social intercourse was to be fostered and encouraged, with the idea that such association would be of mutual benefit. In the third place, the members of the Grange were to gain certain advantages through new methods of dealing with the business world. Among the chief of these new weapons was agricultural coöperation, which was enthusiastically adopted by the farmers. It will be noted that the objects as stated above do not include participation, either direct or indirect, in politics. In fact, the leaders of the order were at some pains to explain that the Grange must not be dragged

into politics; and a penalty was set upon any subordinate grange which might attempt to capitalize the name of the Grange as a political instrument. Members were permitted, nay, encouraged, to take an active part in politics, but it was in their capacity as citizens that they were to do this, and not as Grangers.[3]

It was on this very point that the Grange and its critics disagreed, officers of the order urging Grangers throughout the state to engage actively in politics, even to the extent of announcing for office if this became necessary to secure the interests of the farmers. In recommending such action as a final recourse, they distinguished between the Granger as a private citizen, who might in this capacity participate in political campaigns, and the Granger as such, who was pledged to keep the order free from the partisan smirch. The critics of the Grange, on the other hand, made no such distinction. It was impossible for them to see how a member of the Grange might run for office without using, to some extent at least, his influence as a Granger. Hence, when the farmer leaders advanced the idea, as they did time and again, that the agricultural classes should be represented in the legislative branches of the government, the opponents of the Grange seized the opportunity to raise the cry that the order was marshaling its forces as a political party. The aid of the press was enlisted in these efforts to discredit the Grange, and newspapers throughout the state were almost fanatical in their denunciation of secret political intrigue—usually without waiting to ascertain the truth of the rumors on which their accusations were based. It must be added that occasionally these attacks found some justification in fact, although it is certain that more often nothing came of the rumored political activities of the Grange.

A great majority of the charges brought by those who feared the Grange were directed against William W. Lang, Worthy Master of the Texas State Grange. Lang was a college graduate and a successful farmer, and was very popular personally over the state; but his position as head of the Grange made him especially liable to attack by its enemies. He was looked upon as the logical candidate of the order for political office; the politicians of the established party saw in him the leader of a potentially powerful rival party, and they questioned his every action. Indeed, the Worthy Master found it impossible to avoid politics altogether. As early as 1874 and 1875 he was mentioned as a possible candidate for governor, and was forced publicly to disclaim any desire to stand for election for that office. Again, in 1875, a movement was inaugurated to name the Worthy Master candidate for Congress from the Fourth District, and again the boom collapsed with his refusal to allow himself to be nominated. In the spring elections of 1876, Lang was brought forward

[3] No political test was applied to candidates for membership in the Grange. On the contrary, men of any and all parties were welcomed, and their activities as Grangers in no way interfered with their political allegiance.

as a candidate for a place in the state legislature, and in this instance he allowed his friends to nominate him. He was elected, serving thus in the first legislature to meet under the new Constitution. A storm of protest arose at once, and the Worthy Master was denounced on every hand for having dragged the Grange into politics in spite of the numerous protests against his candidacy.[4]

From 1876 to 1878 Lang's possibilities as a gubernatorial candidate were discussed in full by the newspapers of the state, the discussion serving to keep the name of the Grange leader in the public mind. By 1878, the voters throughout the state had become accustomed to think of the Worthy Master as a possible candidate, and were not unprepared when, in May, 1878, the *Examiner* suggested him as the best man available for the office. In answer to inquiry from the press, Lang declared that he was a Democrat in politics, and that he would be governed by the action of the Democratic State Convention. The Convention, which met at Austin in July, 1878, failed to view his candidacy in a favorable light; and, true to his promise, the Grange leader refused to make the race as an Independent. After this time, agitation both for and against the candidacy of the Worthy Master subsided, and the Grange was left to pursue its course in comparative peace.

Such, in brief, is an outline of the activities of the Grange in Texas in so far as actual participation in politics is concerned, and in so far as such participation can be measured accurately. The leaders of the order were apparently sincere in their desire to maintain its nonpartisan character, but in this they were only partly successful. . . .

Although the Grange took part, through its leaders, in the politics of the state during the latter seventies, it was not in actual participation in politics that the order manifested its greatest strength. Had the Grange contented itself with the campaign of its leader in 1878, it would indeed have exercised some influence politically; but the order is remembered today, not for Lang's term in the state legislature or for his unsuccessful campaign for the Democratic nomination for Governor, but for what it accomplished in a practical way. The accomplishments of the Grange are measured in good part by legislative enactment, brought about through its influence upon the legislature of the state.

The legislature was constantly reminded of the desires and needs

[4] It is altogether probable that other Grangers were elected to serve in the state legislature during this period; but, inasmuch as legislators were reported as Democrats, Republicans, and Independents, and not as representatives of the Grange, it is impossible to determine whether or not this was the case. It is interesting to note, however, that the legislature during the time when the Grange was thriving contained a distinct agrarian element. Indeed, one-half of the legislators were farmers ordinarily, and sometimes an even greater per cent were engaged in agricultural pursuits; and it is no more than reasonable to suppose that a considerable number of these farmer legislators were also Grangers.

of the farmers in various ways. At almost every session of the State Grange a committee on memorials was appointed, whose sole duty it was to prepare a list of grievances of the agricultural classes and to suggest ways and means of redressing those grievances. The list was referred first to the Grange convention; after it had been examined and approved by that body it was presented to the legislature in the form of a memorial. Such memorials, together with additional resolutions and petitions, were voted on regularly and sent to the legislature, and some even were addressed directly to Congress. Again, committees were appointed on occasion to present the case of the farmers before the legislature, and officers of the Grange were commissioned to appear before various legislative committees as attorneys for the order. These proceedings were placed before the people by Grange lecturers, and through the speeches of the officers of the order, which were reproduced in the annual *Proceedings* and in the official organ of the Grange, the *Daily Examiner*.

Newspaper discussions and debates also assisted in educating the public to the Grange program, even though many of these discussions were based on false or inaccurate reports and ideas. In these ways a tremendous influence was brought to bear upon the legislature. That body had a great respect for the Grange, and justly so, for it is not improbable that the order numbered among its members and friends at least half of the voting population of the state. Texas was, during the last quarter of the last century, preponderantly agricultural in its interests; and the agricultural classes, whether avowedly Granger or not, were influenced by the same factors, factors making for seeming inequality and oppression of those classes. Hence, when the farmers spoke, as they frequently did, through the Grange and its agents, their demands and suggestions were at least given respectful attention, and usually some positive action was taken by way of alleviating the conditions complained of.

During the seventies, the memorials of the Grange to the Legislature most often took the form of complaints against the railroads. Discrimination in the form of rebates, passes, varying rate schedules for long and short hauls, and exorbitant freight rates formed the bases for these complaints; and the farmers proposed to have their ills and those of the railroads examined into by the Legislature. As early as 1874 warnings of the conflict were sounded by the leaders of the Grange, and in 1875 the situation was discussed openly and plainly. The annual address of the Worthy Master for that year gives the farmers' side of the question in no uncertain terms. Attention was called to the "fearful rate of freights" charged by the railroads; and the regulation of monopolies by law was declared to be a necessity, railroads, of course, being classed as monopolies. Of special significance is the following statement: Railroads are by their very nature monopolies, and have a power over the public to make

unjust demands *unless restrained by legislative control.* The master allowed the claim that the railroads were "vested rights," but continued that "when vested rights become public tyrannies, it is high time for them to be regulated, not destroyed, by the necessary laws and constitutional enactments of a free people." Lang, and the Grange as a whole, for that matter, far from condemning the railroads, recognized their value to the farmer, and gave them full credit for unlimited possibilities in developing the state. What the Worthy Master and the Grange did want, however, was regulation of the railroads in such a way as to provide for fair schedules of fares and freights, and the prevention of discrimination and unjust tactics by the railroads and their officials.

Agitation for governmental regulation of the railroads was so pronounced that the Constitutional Convention of 1875 was forced to take cognizance of the situation. This it did in Article X of the Constitution, which deals exclusively with the railroads. Section 2 of the article provides that the legislature shall pass laws to correct abuses and to prevent discrimination and extortion in the schedule of the railroads. Section 5 forbids the consolidation of parallel or competing lines. The remaining seven sections of the article either make specific provisions for laws to control the railroads, or include enabling clauses by which the legislature may pass acts deemed just and proper to the accomplishment of that end.

The Fifteenth Legislature, which convened in April, 1876, after the Constitution had been adopted the preceding February, made no attempt to carry through any of the acts which that instrument empowered it to pass. The agitation concerning the railroads, which had died away to an extent with the incorporation of the railroad clauses into the Constitution, became more pronounced than ever. Colonel Jones, Master of the Waco District Grange, complained of the discrimination in freight rates that was still evident despite the constitutional provision that the legislature should pass laws to regulate these rates.[5] Worthy Master Lang continued his campaign against the unjust practices of the railroads, making speeches over the country in his efforts to obtain favorable legislation for the farmers. In a speech delivered in June, 1878, he said that the railroads were about to obtain complete control over the state; that they were influencing unduly the officers of the state; and that, unless something were done to remedy the existing evils, the Grange would be forced to take a hand in the matter.

As a result of the protests voiced and the dissatisfaction everywhere evident, the Sixteenth Legislature, which convened in January, 1879, passed a law making 50 cents per hundred pounds the

[5] Colonel Jones made the point that the rate on a bale of cotton from Waco to Galveston was $4.50, while from Dallas to Galveston, a much greater distance, it was only $2.—*Waco Daily Examiner,* May 15, 1878.

maximum charge for the transportation of freight. The act also prohibited unjust discrimination against persons or towns, and declared that a higher charge to one person than to another for the same services rendered would be taken as *prima facie* evidence of discrimination. The act professed to eliminate discrimination and exorbitant freight rates, but in its results it was far from satisfactory. In 1882, A. J. Rose, who had succeeded Lang as Worthy Master of the Grange, paid his respects to the tactics of the railroads in his addresses, and the Grangers throughout the state supported him in his fight for strict regulation by the government, just as they had supported their former chief. In his annual address for 1882, he demanded the passage of legislation dealing with the problem, and stated that, although seven years had passed since the adoption of the Constitution, no law regulating freight rates had been passed. In this he quite ignored the act of 1879, which certainly had for its aim the regulation of rates, whether it accomplished its purpose or not. The president of the Texas Coöperative Association took up the cry, and reported numerous instances of discrimination and exorbitant rates. Many other complaints and protests were heard from every part of the state, from the public generally as well as from the agricultural classes.

The effect of these protests is seen in a series of acts passed between 1882 and 1892. Two acts dealing with the railroads were passed by the Seventeenth Legislature in 1882. The first of these purposed to regulate passenger fare, providing a maximum rate of 3 cents per mile. The second prohibited the railroads from making a greater charge for freight than that specified in the bill of lading. Both of these acts neglected to inquire into the cause of the evils, and it remained for the Eighteenth Legislature to pass, in 1883, an act elaborating on the principles of the law of 1879. The law of 1883 was still unsatisfactory, and it came to be generally recognized that such a body as the legislature was not qualified to deal with the problems of railway regulation. The creation of the Railroad Commission at last met the difficulty in a fairly satisfactory way, and it was not until the Commission had been established that the public ceased to protest. As early as 1876, the Grange suggested that some such body should be created to deal with the problem, and from time to time the suggestion was repeated. Several attempts were made to pass a bill establishing a commission, but the railroad lobby proved strong enough to delay favorable action on the question until 1891, when the Railroad Commission Act was passed.

The act of 1891 wrote the final chapter in the history of legislative regulation of railroads in the state. From the very day of its introduction into Texas, the Grange took an active part in insisting upon the correction of abuses practiced by the railroads. Memorials, petitions, and resolutions were presented constantly to the legislature,

and the addresses of the leaders of the Grange made that body appreciate more fully the consequences that might attend a denial of the requests of the order. Hence it is not too much to say that the Grange was very influential in carrying through the earlier laws dealing with the railroad problems, and that it was, both because of its early agitation and because of its active support of reform, one of the most powerful factors in the passage of the law providing for the creation of the Railroad Commission.

Hand in hand with the Granger agitation against discriminatory practices by the railroads went protests against the operations of trusts and monopolies in general. Influential Grange leaders recognized from the first the fact that trusts and monoplies played a very important part in determining the economic condition of the farmer, and within a year after the introduction of the Grange into Texas they were demanding government regulation of trusts. Attention has been called to Worthy Master Lang's attitude on monopolies. Grange officials throughout the state were wholehearted in their support of the stand taken by the Worthy Master. Frequent denunciation were hurled at the great business enterprises which, it was charged, threatened by their operations to ruin the agricultural classes. Specifically, the Grange took exception to the activities of the Jute Bagging Trust, and numerous accusations against the Trust were made in the annual Grange conventions. Again, the Galveston Wharf Company was accused of overcharging the farmers for handling and storing cotton, and statistics were introduced by the *Waco Examiner* to show that wharfage duties at Galveston were three times those charged at Boston. Other charges were made, and the *Examiner* was especially zealous in demanding regulation of the Wharf Company by the legislature.

The operations of various other big business enterprises were noted with disapproval by the Grange leaders, who employed their best weapons to bring about government regulation of trusts and monopolies. Throughout the later seventies and the whole of the eighties the legislature was addressed time and again, until at last it became necessary for that body to take positive action. This it did in 1889, passing in that year an act defining trusts, forbidding their existence or operation in Texas, and providing for punishment and penalties for violation of the law. Here again, although the act passed in answer to the demands of the Grange became effective only after that order had become impotent in the state, the influence of Grange activities in behalf of trust regulation is not to be denied.

Next to the questionable practices of the railroads and the operations of trusts and monopolies, the Grange protested most bitterly against taxation, and their protests usually took the form of an impeachment of the farm produce tax. The State Comptroller, acting under the advice of the Attorney General, construed the tax law of

1876 to include for assessment agricultural products, and a tax was accordingly laid upon all farm produce. Vigorous protests were at once heard from the Grange, and the cry was soon taken up by every farmer in the State. Lang, in his annual address of 1878, attacked the tax as being unwise and unsound, and advised the Grange that steps should be taken at once to look into the matter. A committee on the produce tax was appointed, and after investigating the situation, it reported that the Constitution did not warrant the levying of a tax on agricultural produce, nor did the legislature intend that an interpretation providing for such a tax should be read into their act of 1876. It was generally agreed that the Comptroller had acted without constitutional authority, and the executive committee was authorized to memorialize the legislature to relieve the farmers of the onerous exactions of the produce tax. A similar resolution was adopted in 1879, and the Worthy Master was ordered to present a second memorial to the legislature and to argue the case of the farmers before the various committees to which the question might be referred. So well respected were these memorials that the Sixteenth Legislature, which convened in 1879, passed a joint resolution stating specifically that farm produce was exempt from all taxation. In this way were the demands of the Grange regarding the "smokehouse and corncrib" tax answered.

A fourth evil which the Grange called to the attention of the legislature was the usurious rates of interest charged by the money-lenders. Money of any kind, and especially specie, was scarce in Texas, as in other southern states, for several years after the war. As a consequence, a man who had money to lend could command almost any rate of interest he cared to ask, and cases were reported where the note on a loan called for from 3 to 6 per cent per month. The legitimate money-lender, and the legitimate borrower as well, were undone by these wildcat practices, and demands were made on every hand for governmental regulation of interest rates. The *Examiner* was especially zealous in presenting the cause of the farmers, but its editor was not alone in speaking for the Grange. Resolution after resolution was drawn up and presented to the legislature by subordinate granges and by individual members of the order. The result is seen in Article XVI, Section 11 of the Constitution, which set a maximum of twelve per cent per annum on the rate of interest, with a legal rate of eight per cent. The Fifteenth Legislature carried out the mandate of the Constitution by passing an act providing for the punishment of usury, usury being defined as a rate of interest higher than that specified by the Constitution. The safeguards mentioned were fairly satisfactory for a time, but after a few years complaints became audible again. The response to the new evidences of dissatisfaction was a constitutional amendment, proposed by the

Twenty-second Legislature and adopted, reducing the maximum rate of interest to ten and the legal rate to six per cent.

It is not necessary to speak at any length here of the transportation facilities, or rather the lack of transportation facilities, in the state during the seventies and eighties. A primary problem of the farmer was the marketing of his produce, and the difficulty of marketing was measured largely by the difficulty or ease with which farm produce might be transported to market. Hence the farmer was intensely interested in every project to increase the facilities for transportation, and his representative, the Grange, did everything in its power to accomplish that end. The railroads have been mentioned in sufficient detail elsewhere; here it might be recalled simply that a fairly efficient system of railway transportation was in operation in the state by 1880. A problem second only to the railroads was that of providing an outlet by water for farm produce. Such an outlet, it was believed, would increase materially the value of Texas crops, inasmuch as it would furnish the farmer with a means of dealing directly with the eastern and foreign markets, and would in addition furnish competition with the railroads. The Grange then supported every move to secure to Texas a deep water harbor on the Gulf, and was itself the originator of several such moves. Worthy Master Lang, in his annual address of 1878, pointed out the advantages to be gained from a harbor that might receive deep sea vessels, and recommended that the Grange memorialize the Senate of the United States to grant to Texas the benefits of a foreign and eastern trade. The memorial was duly prepared and presented to the Senate, and the Grange continued to prepare petitions and to assist in getting out propaganda in favor of a deep water harbor. The Seventeenth Legislature, taking a leaf from the history of developments in the state, passed a joint resolution setting forth substantially the points made previously by the Grange, and instructing the state's representatives and senators to urge in Congress the passage of a bill giving to Texas a deep water harbor at the port of Galveston. The resolution also provided that the governors of other states interested in a water outlet through Texas should be notified of the action taken and requested to support the project. The Eighteenth Legislature also passed resolutions, one pertaining to Sabine Pass, and another to Galveston, requesting the representatives and senators of the state to use their influence to secure deep water at those places. The Nineteenth Legislature followed the example of its predecessors, and passed resolutions pertaining to a deep water harbor. All this while the Grange was passing resolutions regularly, and these resolutions could not have been without their effect on the legislature.

In addition to these few primary problems, there were a number of issues on which the Grange took a very decided stand, and thereby

gave a political tone to the declarations of principles of the order. The first of these, the tariff question, called forth some remarkable denunciations from the Grange. At every meeting of the order the tariff was brought up for discussion, and many memorials were addressed to Congress calling for an adjustment of the tariff schedules. Another question which interested the Grange was that of immigration. A committee on immigration was appointed from year to year, and active steps were taken to induce farmers from other states and from foreign countries as well to settle in Texas, either as independent farmers or as farm laborers. Immigration societies and companies were formed; Worthy Master Lang resigned as head of the Grange to become President of one of these, the South Western Immigration Company. The immigration question and the active support of practically unlimited immigration by the Grange had, of course, its influence in a political way, inasmuch as the state legislature was interested in the same question. The policy of the Grange with regard to manufactures in Texas was another phase of the order's activities which often led it into dealings with the legislature. The committee on memorials worked overtime in preparing petitions requesting legislative support of local manufacturing enterprises; and, although the lawmakers were in favor of the development of local manufactures, they seem never to have seen the need for active interference in this field. The financial problems likewise called forth some very decided opinions from the Grange; and the Greenback Party later gave these opinions due publicity in its campaigns, both state and national.

In these various fields of action did the Grange make its influence felt in a political way. The order called for Government regulation of railroads and other trusts and monopolies, and such regulation was forthcoming; it protested against the produce tax, and the tax was removed; it demanded a law against usury, and a maximum rate-of-interest law was passed; it favored a deep water harbor for Texas, and such a harbor was eventually provided for; it objected to a protective tariff, and memorial after memorial was addressed to Congress in behalf of a tariff for revenue only; and it took such a stand for immigration and for home manufactures that the legislature was given little opportunity to overlook these questions. The influence of the Grange may not, of course, always be measured directly, for other factors must be taken into consideration. It is a significant fact, however, that almost every question raised by the order was settled in a way favorable to the farmer. Memorials, petitions, resolutions, addressess, and speeches, votes of approval of favorable and of disapproval of unfavorable acts—all these were listened to with great respect by the public at large, and it was indeed a strong legislature that was not influenced to a considerable extent by these manifestations from the farmers' "party."

CHAPTER XLI

A BRIEF SURVEY OF THE ECONOMIC HISTORY OF TEXAS, 1865–1915

By Edmund Thornton Miller

[The selections which follow are made up of the brief summaries with which Professor Miller, in his *Financial History of Texas,* introduces the several periods of the state's financial history from 1865 to 1915. Each summary is followed in his book by a detailed discussion of the financial history of the respective period. Professor Miller's book was published by the University of Texas in 1916. These selections are from pages 156–159, 195; 196–198; 240–243; 385–390. Read: Barker, Potts, and Ramsdell, *A School History of Texas,* 224–248.]

I. The Reconstruction Period, 1865–1874

Although General Lee surrendered early in April, 1865, the break-up of the Confederacy did not occur in Texas until the end of May. Disorganization of all authority followed, and in the general confusion Confederate and state property was appropriated by disbanded soldiers and even the state treasury at Austin was looted. The loss of property, however, was small and the disorder little when viewed against the background of bitter disappointment and uncertainty of the future which the people of the state felt on account of the downfall of the Confederacy.

The arrival at Galveston on June 19, 1865, of General Gordon Granger initiated the first provisional government—a mongrel of civil and military rule, but predominantly military. A. J. Hamilton, who had been appointed on June 17 provisional governor of Texas by President Johnson, arrived at Galveston on July 21, and proceeded soon to Austin to take office. After some delay a registration of those citizens of the state who would take the oath of amnesty was made and an election of delegates to a constitutional convention was ordered. The convention met in Austin on February 7, 1866, and was in session eight weeks. In the election that followed the conservative ticket, or that endorsing President Johnson's policy for the restoration of the state governments, headed by J. W. Throckmorton was successful, and the amendments to the constitution were adopted. The newly elected government took possession on August 13, 1866,

and on August 20 President Johnson declared by proclamation that the insurrection in Texas was at an end. The restoration of civil government to a normal state and the amelioration of general conditions were terminated, however, by the reversal by Congress of President Johnson's policy. Under the provisions of the so-called Reconstruction Acts, passed in March and July of 1867, Texas became a part of the Fifth Military District, and went again under a provisional form of government which lasted from August 8, 1867, to January, 1870. Again, also, the process of emergence from the provisional form of government was gone through with, and another constitution was adopted and another election of state officials was held. E. J. Davis was the new governor elected, and his administration, which is popularly known as the period of radical rule, lasted three full years. It was undermined by the election of a democratic legislature—the famous Thirteenth—in November, 1872, and fell and was swept away by the election in December, 1873, and the inauguration on January 15, 1874, of Richard Coke as governor.

During the years of the Civil War and the Reconstruction, and especially during the decade 1860–1870, the absolute growth in population and material wealth was the smallest of any decade in the history of the state. Population increased from 604,215 in 1860 to 818,579 in 1870. This was a percentage increase of 35.5 as compared with 184.2 during the decade 1850-1860. The United States Census of 1860 placed the number of slaves at 182,566 or 30.2 per cent of the total population. This vast mass of propertyless, ignorant blacks was added to the citizenship of the state as a result of the war, and by 1870 the negro element of the population numbered 253,475, or 30.9 per cent of the total population. Nothing was done up to 1870 to improve the economic or intellectual status of this class, and nothing could be done for either whites or negroes because of the misgovernment at Washington and the prostrate financial condition of the state.

The amount of illiteracy and the conditions as to education pointed to the greatest task of the state,—namely, the education of its citizens. Thirty-three per cent of the population ten years of age and over could not read, and there were only 548 schools in 1870, with 23,076 pupils, 706 teachers, and a total income of $414,800.

The population of the state was almost wholly employed in agriculture, and this added to the difficulties of the problem of education. Out of the total of the population ten years and over engaged in all occupations 166,753, or 70 per cent, were engaged in agriculture. The population of the state was thinly spread out, the average density being 3.1 persons to the square mile.

Agriculture showed a marked decline during the decade 1860–1870. Evidences of this decline were the decrease in the value of

the farms from $88,101,320 to $60,149,950, or 45.4 per cent, the decrease in the value of farming implements from $6,259,452 to $3,396,793, or 56.6 per cent, and a change in the acreage of land in farms from 25,343,028 in 1860 to 18,396,523 in 1870, or 27.4 per cent. The ratio of farm acreage to the total area of the state declined from 15.1 in 1860 to 11.0 in 1870. The per cent of land in farms which was improved increased, however, from 10.4 to 16.1. The production of cotton was 431,463 bales in 1859 and 350,628 in 1869. The price of cotton fluctuated violently during the period. In 1865 the price was 43.2 cents per pound and in 1870 it was 17 cents.

Manufacturing, railroad construction, and banking increased during the period. The railroad mileage grew from 307 in 1860 to 711 in 1870, or 131 per cent. Manufacturing establishments numbered 983 in 1860 with a value of products of $6,577,202, and in 1870 they numbered 2,399 with products valued at $11,517,302. As to banking, there was only one chartered bank in Texas in 1860. It was located in Galveston and had a capital of about $100,000. Four national banks were established in 1866, and this number remained unchanged until 1870. Two of the national banks were located in Galveston, one was in Houston and one was in San Antonio. Their capital and surplus amounted to $575,000; their deposits to $617,000, and their loans to $532,000. The Constitution of 1869 abandoned the policy of prohibiting state banks which had been followed since 1846, and a number of such banks were organized. For the state as a whole the supply of credit facilities during this period was in the hands of merchants and private lenders, and this condition of affairs continued until the middle of the eighties or until national banks came to be more widely established.

Although Reconstruction as a political condition ended at the close of 1873, and though the financial policy came under the control of new hands at the beginning of that year, the finances, industry and commerce of the state were slow in recovering from the effects of the war and radical rule, and it was 1880 before a normal condition was again reached. The period treated in this study, however, extends from the close of the war through August 31, 1874. . . .

The salient features of the Reconstruction financial period of Texas history are the large growth of expenditures, the great increase in taxation, and the rapid accumulation of a comparatively heavy debt. The finances do not indicate the rule, however, of such venal and pillaging adventurers as infested other southern states with carpet-bag governments. At the same time there was more open abuse of public trust than at any other period of the state's history. An adjutant-general was guilty of defalcation of about $30,000; the funds of the treasury department were used for a time to abet private ends and its books fell into reckless disorder; petty jobbery existed in supplying state institutions, and bribery was charged on high authority

to have been instrumental in securing the subsidy to the International Railroad.

II. The Period of Recovery, 1874–1880

Richard Coke was inaugurated governor on January 15, 1874, which event marked the political end of the Republican regime and of the Reconstruction in Texas.

Although a tax rate of fifty cents had been imposed since 1871 and bonds had been issued to meet the expense of frontier defence and to cover deficiencies in the ordinary revenues, an empty treasury and a rapidly increasing floating debt confronted the new Democratic administration. There was only $37,137.00 in the treasury available for general purposes, and the net receipts to accrue from taxes by September 1, 1874, were estimated at $481,714.00, while the expenditures were estimated at $1,236,116.00. There were, in addition, claims of school teachers for services rendered prior to July 1, 1873, amounting to over $400,000.00, an unexecuted cash pension law, and a harassing controversy with the International Railroad over a bond subsidy.

The state's financial problem was difficult, and its solution called for intelligence, courage, and patience. Immediate clarification and settlement were not possible, for though legislation could accomplish something, it was indispensable that there should be time for the recuperation of the industrial and commercial forces which had been depressed by the war, the Reconstruction, and the prostrating panic of 1873. Additional taxation as a way out was inexpedient in view of the already unpopular height of the tax rate, and bonds could not be immediately sold except at an almost prohibitive discount. The means of relief to the treasury which were adopted were the stoppage of payment of warrants dated before January 15, 1874, the use of special trust funds, and the issue of bonds. The treasury did not get on an actual cash basis, however, until the spring of 1879. Each year between 1874 and 1879 saw treasury deficits, the state's warrants at a discount, the maintenance of the same high tax rate, an increase in the bonded debt to meet the ordinary expenses of government, and parsimony in expenditures for charitable, educational and other developmental purposes.

Industrially a new era began in 1879, as that was the year when there was generally throughout the country a marked upward movement indicating the completion of industrial recovery from the panic of 1873. The population of the state grew from 818,579 in 1870 to 1,581,749 in 1880. This was a percentage of increase during the decade of 94.5 as compared with 35.5 during the preceding decade. Negroes numbered 393,384 in 1880 and constituted 24.7 per cent of the total population as compared with 30.9 per cent in 1870. The population was preponderantly rural, only 8.5 per cent living in towns of 2,500 population and over. The density of population re-

mained small, though there was an increase from 3.1 in 1870 to 6.1 in 1880.

Agriculture engaged 68.8 per cent of the population ten years of age and over employed in all occupations. Agriculture showed a marked improvement in condition in 1880 over 1870. Though the number of farms increased 185 per cent and the acreage in farms increased 97.3 per cent, the percentage increase in the improved acreage was 326.6. A large part of the land area of the state was unoccupied and uncultivated, however, as shown by the fact that the farm area was only 21.6 per cent of the total land area of the state. The vast area of land not in farms was either owned by the state or was privately owned and held as a speculation. The value of farm land and buildings amounted to $170,468,886 in 1880, which was an increase of 254.2 per cent over 1870. Farm implements and machinery showed an increase of 233.1 per cent, and domestic animals, poultry and bees an increase of 155.7 per cent. The value of livestock was $60,307,987 in 1880 as compared with $37,425,794 in 1870.

Agriculture and stockraising were the chief sources of wealth to the state. Mining was negligible, and manufacturing was not advancing in a remarkable way. The number of manufacturing establishments increased only 25 per cent, and the value of the products increased from $11,517,302 to $20,719,928 between 1870 and 1880. The percentage of growth in the value of the products was 79.9, or less than that in population.

Under the liberal land grant policy which was in effect from 1873 to 1882 railroad mileage grew rapidly. The increase between 1870 and 1880 was from 711 miles to 3,244, and that between 1873 and 1882 was from 1,578 to 6,009.

Statistics for the growth of state banking are not available, but those for the national banking system do not show a rapid growth of that system. The number of national banks increased from 4 in 1870 to 13 in 1880, and their deposits from $575,000 to $1,579,000.

A new era also in the state's finances began in 1879, due in no small part to the country's prosperity, but also to a vigorous financial policy. The important features of this policy were the refunding and payment of the public debt, the sale of the public lands, changes in the administration of taxes, the adoption of new business taxes, and reduction in expenditures. The policy adopted in 1879 was known as the "pay-as-you-go" policy, and the most striking, and at the same time the most effective, of the measures relating to expenditures which were adopted to institute this policy was the reduction of the school fund's share of the general revenues from the customary one-fourth to one-sixth. The fiscal operations of the state government during the year 1880 evidence the advent of a new era and the final issuance from the financial slough into which the state entered in 1861.

III. The Period 1881–1915

By 1880 Texas had emerged definitely from under the spell of depression cast by the Civil War, the Reconstruction, and the panic of 1873. Conditions which trace their origin to these unhappy periods persist, however, and tend to complicate many of the political and economic problems which engage the present generation.

The growth of population during this period took Texas from out of the eleventh place and put her in 1910 into fifth place among the states. The decennial census figures were as follows:

1880	1,591,749
1890	2,235,527
1900	3,048,710
1910	3,896,542

The negro element in the population declined relatively, its percentage of the total being 24.7 in 1880, 21.8 in 1890, 20.4 in 1900, and 17.7 in 1910. Negroes numbered 393,384 in 1880, 488,171 in 1890, 620,722 in 1900, and 690,049 in 1910. In 165 counties out of a total of 245, the percentage of negroes of the population was less than 12.5. These were mainly the Panhandle and the western and southwestern counties, or the newer, more sparsely settled and non-cotton-growing counties. In only eight counties, in 1910, was the percentage of negroes over 50, whereas in 1900 this was true in the case of thirteen counties. In those counties in which negroes are numerous they are an asset as a labor force, but otherwise they are a heavy social liability. They accumulate little property, they are an unskilled and indifferent class of laborers, and the expense of their policing and education falls almost wholly upon the whites.

The population of Texas is very largely rural, and though the urban element is increasing, the change is not at a rapid rate. In 1890 the rural percentage of the population was 84.4, in 1900 it was 82.9, and in 1910 it was 75.9. The density of population was 6.1 persons to the square mile in 1880 and 14.8 persons in 1910.

Agriculture in 1910 engaged 60 per cent of the population ten years of age and over employed in all occupations, as compared with 68.8 per cent in 1880, 64.3 per cent in 1890, and 62.4 per cent in 1900. Since 1880 the expansion of agriculture resulted in a large part of the area of the state being reclaimed from a state of uselessness to one of production. In 1880 21.6 per cent of the land area was in farms; in 1890, 30.6 per cent; in 1900, 74.9 per cent; and in 1910, 67 per cent. The decline between 1900 and 1910 was due to the fact that land which was used for grazing in 1900 and which was classified under farm land had been cut into small tracts by 1910, and at this latter date these tracts were owned by speculators or others who withheld them from use, which prevented them from being classified as farm

land. During this period the Panhandle, the western and the southwestern parts of Texas were brought into the area of cultivation. While the per cent of lands in farms greatly increased, the percentage of this area which was improved declined. In 1880 34.9 per cent of farm land was improved and the percentage in 1910 was only 24.3. But there was, of course, an enormous increase in the absolute acreage of improved land. The acreage of such was 12,650,314 in 1880 and 27,360,666 in 1910.

Remarkable increases occurred in the value of farm property during the period 1880–1910. The values of lands and buildings were $170,468,886 in 1880, $399,971,289 in 1890, $691,773,613 in 1900, and $1,843,203,395 in 1910. The value of livestock was $339,433,843 in 1910, as compared with $60,307,987 in 1880.

The statistics for manufacturing are not comparable farther back than 1899. The value of the products of manufactures increased from $92,894,000 in 1899 to $272,896,000 in 1909. In 1909 the number of persons ten years of age and over engaged in manufacturing and mechanical industries was 184,396, as compared with 934,140 in agriculture. The manufactures which led in values of products in 1909 were those whose finished products were not far removed from the raw material stage, such as slaughtering and meat packing, flour and grist milling, the manufacture of lumber and of timber products, and the manufacture of cottonseed oil and cake. There was not much pure manufacturing carried on in 1909, by which is meant manufactures which are far removed from the raw material stage. The gross value of the products of mining enterprises—that is, mines, quarries, and wells—was $10,742,150 in 1909. Petroleum and natural gas accounted for $6,356,000, or 59.4 per cent of the total. The oil industry has developed mainly since 1900. The value of the bituminous coal mined in 1909 was $3,136,004.

Though manufacturing and mining increased considerably between 1880 and 1910, Texas was in 1910 predominantly agricultural. In value of products, capital invested, and population engaged, agriculture far outdistanced other occupations.

The growth of banking in Texas is one of the best evidences of the material development of the state. In 1880 there were in the state only 13 national banks, with a total capital of $1,579,000, and deposits of $2,081,000. In 1890 the number of banks was 189, the capital and surplus amounted to $25,760,000, and deposits were $30,450,000. In 1900 the number of banks had increased to only 223, with capital and surplus of $25,337,000 and deposits of $49,749,000. The greatest increase took place after 1900, and was due to the modifications in the national bank act in 1900, to the incorporation of state banks, and to prosperous times. In 1915 there were 535 national banks, with a combined capital and surplus of $81,208,000, and with demand and time deposits of $185,100,000.

The incorporation of state banks began in 1905. An amendment

to the state constitution removed the ban which had existed since 1876. The number grew rapidly on account of the low minimum capital requirements ($10,000) and the law guaranteeing demand deposits. In September, 1905, there were 29 state banks, with a capital and surplus of $1,936,000, and demand and time deposits of $1,701,832. By 1915 there were 835 state banks and trust companies, their combined capital stock and surplus was $39,575,738, and they had demand and time deposits of $77,253,027. The development of banking has made easier the taxation of loanable funds, inasmuch as such funds are more readily reached when in the control of corporations than when they are in the hands of private lenders.

Railroad mileage amounted to 3,244 in 1880, 8,710 in 1890, 9,867 in 1900, and 15,635 in 1915. Though the absolute mileage was very large in 1915, there were only 5.9 miles of line to each 100 square miles of area of the state. In 1880 there were 1.2 miles of line to each 100 square miles of area. In 1882 the policy of land grants by the state in aid of railroad construction came to an end. The important construction since 1880 was that which opened up the Panhandle and the southwest and made possible the expansion of agriculture into those sections.

IV. Problems of State Finance

[This selection constitutes the concluding chapter of Professor Miller's book. The problems which he stated in 1915 are little changed to-day (1929), when these *Readings* are compiled.]

Attention may now be directed to some of the financial needs of the state. The growing importance of government is shown in Texas in the growth of state expenditures. Though there is complaint about public expeditures, Texas is not doing as much as some other states in proportion to her ability. The following table, compiled from the United States Census, shows the relative standing of some selected states in 1913, and the amounts given are the combined expenditures of the state, counties, towns and other local subdivisions per $1,000 of taxable wealth at its full or true value.

Complaints as to expenditures are in some cases unintelligent and are mouthed about for political effect, but in the majority of instances the complaints do not so much represent antipathy to the purposes of the expenditures as they do dissatisfaction with the revenue system and public officials. By reason of the breakdown of the general property tax, the weight of taxation falls increasingly on the owners of real property, until in the cities the description of taxes as burdens is not inappropriate. Real property owners feel that there is injustice in this, and consequently oppose proposals which will mean additional taxation whose benefits are not obvious, immediate, and personal.

Public officials are too frequently looked upon as mere "office-holders," and there is lack of confidence in their ability to get for the public the most out of the money raised for public use. The two greatest financial problems which Texas has are to secure an equitable system of taxation and an efficient body of administrators. These are the problems of government in all of the American states and cities, but Texas has been more indifferent toward them than have many other states, and has farther to go in solving them.

	Conservation, Sanitation, and Public Health	Charitable and Correctional	Education, Libraries, and Recreation	Highways	Protection to Persons and Property
California	$0.30	$0.88	$4.95	$1.16	$2.65
Massachusetts	1.19	2.38	4.51	1.77	3.88
Tennessee	.33	1.39	3.48	1.04	2.05
Wisconsin	.38	1.08	3.07	.66	1.90
New York	.78	1.22	2.96	1.07	3.25
Georgia	.60	.92	2.80	1.82	2.21
Missouri	.40	.76	2.16	.93	2.35
Colorado	.25	.55	2.11	.93	2.49
Texas	.18	.46	1.86	.74	1.46
Oklahoma	.06	.24	.83	.20	1.29

The present state constitution is becoming a patchwork, and an entirely new one should be framed. The constitutional provisions relating to taxation, the public debt, and the selection and compensation of public officials were laid down in 1875. At that time intangible personal property was relatively less important than it is now, the corporation was not as great a factor as at present, the urban element in the population was much smaller than now, and the conditions generally for the successful operation of the general property tax were, while bad enough, more favorable than they now are. In that year also, owing to the effects of the Civil War, the Reconstruction, and the panic of 1873, economy of the narrowest kind, in both public and private affairs, was a grinding necessity, and this was reflected in the binding restrictions upon the taxing and debt creating powers of the state government. In continuing to adhere to the general property tax, with its uniform rate upon all classes of property and with its decentralized system of administration, Texas is in the rearguard of the American states as respects methods of taxation. It is almost incomprehensible that in this year of the twentieth century there should be a state in which the complicated properties of railroads are assessed for the most part in piecemeal by local assessors, and in which

there is no state supervision of these assessors in their assessment of the property of either individuals or corporations.

Various proposals have been made in and out of the legislature to cure the evils complained of. As a remedy for the varying proportions of assessed to true values among the counties separation of state and local revenues has been more advocated in Texas than has any other remedy. Only the complete withdrawal of the state from the taxation of real estate would make this remedy effective against the particular defect of the tax system to which it is applicable, but in view of state support of the public free schools, and the desirability of the continuance and extension of such support, abandonment of the real estate tax by the state does not seem likely. Separation of sources of revenue is not a reform measure which is employed to any great extent by other states, and the tendency seems to be away from it rather than towards it. Even if it were a desirable reform measure for Texas, it would not be possible without a constitutional amendment.

If the property tax is retained as a state tax, some system of state control over assessments should be adopted. Decentralization of administration has failed in taxation in Texas as it failed in the administration of the public lands. Centralization should succeed decentralization, and the state board or commission should have the power to supervise assessments of property for state taxation, should have authority over assessors and collectors, and should assess the property of corporations which, like railroads, express companies, telegraph and telephone companies, do a state-wide business. The present state tax board is deficient in power and is wrongly constituted.

A central tax board or commission will not remedy the evil of the escape of personal property, especially of intangible personalty, from taxation. The weakness of the system which employs property as an index of ability to pay taxes is nowhere better exhibited than in connection with the taxation of personal property. Some of it should not be subject to taxation at all, for there results therefrom a vicious variety of double taxation. The taxation of vendor's lien notes and of the property which secures them, for example, is double taxation of an indefensible kind. Texas avoids similar double taxation in other cases; thus the shares of stock of domestic corporations are not liable to assessment when the property of the corporation is subject to assessment in the state, and there is no double taxation of bank stock and bank property. The Texas laws do not carry out the principle of exemption to its logical conclusion, for there is no valid reason for treating differently stocks on the one hand, and bonds and credits, such as vendor's lien notes, on the other. An interesting situation will exist as a result of the provision in the Federal Farm Loan Act which exempts from Federal, state and

other taxation any mortgage executed to a Federal land bank. If this exemption provision stands, some farm mortgages will be taxable while others will be exempt.

Property as a measure of ability to pay taxes is inferior to income, and tax systems will work injustice until income takes the place of property as a basis. An income tax should distinguish between income from property and income from personal exertion, and, in accordance with modern notions of justice in taxation, the former and all funded income should be taxed at a higher rate than the latter. Real property should also continue to be liable for special assessment for improvements which are directly beneficial to it, and a moderate use of the land increment tax would be in accord with modern tendencies. The greatest obstacle to income taxation in the United States is inefficient administration, but Wisconsin is setting an example to the other states with her central supervisory board and her district assessors appointed according to the merit system. The assessors should be removed from local influences, but they should have the benefit of the knowledge of local boards. There should be coöperation between the state and national governments in the assessment of the income tax, and there should be a division of the yield of the tax between the state and local governments.

The constitution of Texas provides for an income tax, but in general the tax provisions of the constitution are obsolete. They do not permit separation of sources, or classification of property for purposes of taxation, or state supervision of assessment, or other methods of tax reforms which have been employed by the states of the United States and foreign countries. Another tax reform which has been advocated in Texas is "home rule" or "local option" in taxation. This would permit towns and cities to adopt such taxes as they saw fit. The state cannot afford to disassociate itself from all concern with local taxation, as this reform proposes, and for the reason principally that it must protect its own sources of revenue. Those proposing this reform are, as a rule, single taxers or advocates of partial exemption of improvements from taxation, neither of which proposals is just in the eyes of those who believe that every person should contribute to the support of the government in accordance with his ability, and that income is the best index of ability. The single tax is not a tax measure, but is a social reform measure which includes the feature of government confiscation of the rent of land. It is not to be judged, therefore, as a fiscal measure, but those who insist that it should be so judged must meet the objections that it is a confiscatory measure and that the concept of income as a basis for taxation is more comprehensive, just, and adequate.

The exemption of the homestead from taxation is another proposed reform. The homestead law of Texas is already too liberal without this addition. Under a system of taxation in which the

income tax is the principal tax and the property tax is a supplementary tax, it might be desirable to exempt real property up to a certain amount, but exemption under any other condition would be difficult to defend. Under the existing methods of taxation in Texas the small property owner is undoubtedly discriminated against, but the remedy is not the exemption of his homestead, but it is, so long as the property tax is retained, the fuller taxation of the larger owner and the abandonment of the discrimination in favor of acreage property and vacant lots.

The provisions of the Texas constitution relating to the state debt reflect the political, economic, and financial conditions which existed in 1875. Distrust of the legislative and executive branches of the government is shown in the small amount of debt which may be incurred, except under extraordinary conditions of war, insurrection, or invasion. This amount, $200,000, reflects also the hard times existing in 1875. There should be some provision against the frequent deficits in the treasury which work such hardships upon the employees and creditors of the state. Authority should be given the treasury to make temporary loans to an amount sufficient to avoid deficiencies, or the warrants of the state should draw interest until they are called for payment.

A more sensible system of appropriations should be adopted, and to this end the governor and representatives of both branches of the legislature should act together as a budget council or committee in arriving at the needs of the various institutions and departments of the public service, in estimating the future revenue, and in framing the appropriation measure.[1] The result of their work would be a budget which should be submitted to the legislature, and there should be limitations in the changes which the legislature might make and on the veto powers of the governor. There certainly should be a change from the existing arrangement under which the appropriation measure is one of the last measures to pass the legislature before final adjournment, with the result that the governor's veto of items goes unchallenged.

However laudable the purposes of public expenditures and however generous the provision for them, there will be waste and ineffective service, unless the public officials are honest and capable. There will never be satisfactory public officials until the "spoils system" is done away with, and the public service is looked upon as a profession. Those who follow this profession should be trained for it, they should be chosen for their fitness, and they should have security of tenure. The accounts of public officials who handle public funds should be regularly audited, and for this work an expert force of

[1] This suggestion has been met in part by creation of the Board of Control, which prepares the biennial budget for the legislature.

auditors is necessary. These auditors might also be expected to study methods of organization and conduct of the public business.

In conclusion, it may be observed that the responsibility for the shortcomings of the financial system and of government generally and the hope of their betterment lie with the average citizen. He has no one to blame but himself, and there will be no important reform until he ceases to be individualistic, ignorant, and indifferent as regards public affairs.

CHAPTER XLII

TRANSPORTATION IN TEXAS

By Charles S. Potts

[The selections which follow in this chapter are from Potts, *Railroad Transportation in Texas,* Chapters I, II, and V (University of Texas Bulletin, 1909). The first section gives an excellent brief description of transportation conditions and problems before the coming of the railroads; the second traces in summary fashion the growth of railroad mileage in Texas down to 1909, the date when Professor Potts's book was published; the third describes the various measures by which cities, counties, and the state have encouraged and assisted railroad building in Texas. Chapters of Professor Potts's study omitted from these *Readings* describe the rise of a public demand for the regulation of railroads by law and the creation of the Texas Railroad Commission in response to that demand. See Briscoe, "The First Railroad in Texas," in *Quarterly* of Texas State Historical Association, VII, 279–286. Read: Barker, Potts, and Ramsdell, *A School History of Texas,* 305–311.]

I. Transportation Conditions Before the Coming of Railways

1. *Inland Water Communication*

The greatest obstacle which had to be overcome by the early Anglo-American settlers in Texas was the almost total lack of means of communication and transportation. At this time there were three small centers of Spanish population within the limits of the State, at La Bahia, now Goliad, Bexar, now San Antonio, and Nacogdoches, but they were widely separated and the roads by which they were connected were no more than blazed trails, sufficient only to guide the traveler to the fords of the rivers. For the rest, Texas was a wilderness, and some five hundred miles of unoccupied territory separated it from the frontier settlements in the United States, at New Orleans, Natchez, Memphis, and St. Louis. To reach the State, the early settler was forced either to transport his family and household effects overland across this unsettled area, or to resort to the uncertainties and dangers of Gulf and river navigation. Nor were his difficulties in this respect materially lessened upon his arrival in the country. As soon as his first crop was gathered he was forced to seek a market for his surplus products, especially his cotton; and it

was with very great difficulty that the country was supplied with clothing and other necessary articles of importation.

A glance at the map of Texas might lead one to suppose that the State is well supplied with navigable rivers. Unfortunately this is not true. Outside of the Rocky Mountain region, there is probably no other North American area as large as Texas that is so poorly supplied with navigable streams. The rivers of the State are long enough and at times carry tremendous volumes of water, but the flow is so uncertain during many months in the year that navigation is impossible except for short distances near the mouths of the streams.

The commercial use to which the rivers of Texas have been put has varied greatly at different times in the State's history. In the early days before the railroad era, when the choice of the settler lay between the river boat and the ox-cart, the rivers were of considerable commercial importance. The Red River supplied an outlet to New Orleans for the northeastern portion of the State, the traffic of this section passing out by way of the town of Jefferson, down Cypress Bayou, across Lake Caddo to the Red River. Navigation above this point on the Red River was interfered with by what was known as the Great Raft, an accumulation of drift wood which blocked the channel for many miles near the town of Fulton, Arkansas. Above the Raft small boats were used as far up as Preston in Grayson county.

In South Texas, most of the commerce of the coast country passed in and out along the rivers and arms of the sea. Before Texas revolted from Mexico, a steamboat was making regular trips on the Brazos, and in the early fifties the Galveston and Brazos Navigation Company opened a canal connecting Galveston bay with the Brazos, thus bringing the products of Brazoria and adjacent counties to the wharf at Galveston. In this way it was estimated that a saving of $50,000 annually in freights and insurance was effected. Richmond was at the head of regular navigation, though occasional trips were made as far up as old Washington, near the present site of Hempstead. Galveston Bay and Buffalo Bayou furnished water connections between Houston and Galveston, and four steamboats were engaged in this trade as early as 1838. The Trinity river was regularly navigated to Liberty, seventy-five miles from Galveston, and occasionally as far up as Magnolia, some ten miles west of Palestine, but Rankin's statement that "the river may be successfully navigated with but little difficulty from six to nine months in the year, for 300 miles by land, and 500 by the course of the river," seems to have been one of those loose exaggerations of which we find many in the early descriptions of Texas and her resources.

The Sabine Lake and the Neches and Sabine rivers furnished a modicum of transportation facilities for the lumber and cotton of the southeastern section of the State. The situation in this region is well

stated in a letter written in 1843 by S. H. Everett to Anson Jones, afterwards President of the Republic. He said:

> There must be some place for the receiving and forwarding of the cotton of Texas at the mouths of the Neches and Sabine. The Sabine pass is not suitable, because flat boats coming down the river cannot cross the lake with safety and that, and keel boats, are the only kinds of boats that can at this time come down the river Neches, and it will require much labor before steamboats can navigate the river. Cotton can be brought down the river from Jasper county at an expense of $1.00 per bale, and from Nacogdoches for $1.50 to $2.00; while the expense of shipping to Natchitoches (on the Red River in Louisiana) is from $5.00 to $7.50 per bale, and the expense on a bale of cotton shipped to New Orleans from Natchitoches is quite as much as it would be to ship the bale of cotton from Sabine Lake to New Orleans, or to Galveston.

The facilities for navigation on the southwestern coast were confined mainly to the Gulf and its inlets, Matagorda, Aransas and Corpus Christi bays. The Colorado had at times been navigated as far up as Austin, but in 1850 Rankin reports that "steam-boating is not now successfully prosecuted on account of the unimproved condition of the channel." The Guadalupe was used occasionally up to Victoria, and steamboats plied on the Rio Grande as far up as Rio Grande City, though Rankin assures us that "the stream at present is navigated by steamboats to a distance of about 500 miles."

2. Early Attempts at River Improvement

Prior to the Civil War the State made at least one serious attempt to improve the Texas rivers and bays along the coast so as to render them more serviceable to the rapidly increasing trade of the State. As early as 1839 the treasurer of the Republic paid from his empty coffers a warrant for $520 expended in surveying the harbors on the Gulf coast. In his message to the Fourth Congress, November 12, 1839, President Lamar urged the establishment of a new department, to be known as the Home Department, one of whose duties should be the supervision of the proposed road building and river improvement. In 1852 a bill was introduced into the State Senate appropriating some $250,000 for river improvement. Four years later the work was entered upon in earnest, the treasury stringency having been relieved by the money received from the Federal Government as a result of the adjustment of the New Mexico boundary dispute. An act was passed in 1856, carrying a total sum of $315,000 to be used on river and harbor improvement. It provided for the appointment of a State Engineer, who was to have control of the work and who, with the Governor and Comptroller, composed a board for apportioning the funds to the various projects. Each locality was required to raise by subscription one-fourth the amount allotted to it by the board.

The following table shows the contracts approved by the board

up to 1858. Two or three other places had raised the required funds and their contracts were pending:

River	*Section*	*Consideration*
Gaudalupe	Mouth to Victoria	$22,850
Western Bays	Matagorda Bay to Aransas and Guadalupe rivers	57,500
San Jacinto	Clopper's Bar	22,725
Trinity	Bar at mouth	15,120
Brazos	Mouth to Washington	50,000
Colorado	Canal around raft	35,000
Colorado	From raft to Wharton	11,250
Cypress Bayou	Jefferson to State Line	21,298
Oyster Creek	Canal to Retrieve	3,833
Sabine	Up to Logansport	31,455
Galveston Bay	To Canal and Red Fish	23,000

This work progressed satisfactorily during the next two or three years and by the beginning of the Civil War river navigation had reached its high-water mark. In 1859, a writer says:

> A considerable portion of the cotton made in Shelby county was shipped down the Sabine river this season. The people in this section of the country, in view of the improvements going on to open up the Sabine river, are much pleased with the probability of being able hereafter to turn their entire trade to New Orleans and Galveston, through this channel. . . . The steamer *Uncle Ben* made five successful trips, two of which were as high up as Smith county, a distance of nearly 800 miles, carrying out nearly 1000 bales of cotton each trip. Also the *Pearl Plant* and other boats have done considerable in the Sabine trade, and without the least difficulty from leaning timbers. . . . I have no doubt that 60,000 or 70,000 bales of cotton will find its way to market next season through this channel to New Orleans and Galveston.

With the outbreak of the Civil War, the efforts at river and harbor improvement ceased and all the energies of government and people were turned in another direction. As a result the channels became clogged, commerce declined and river navigation almost ceased. After the war there were a few attempts by private parties to clear the rivers and revive the river trade, but they were only partially successful.[1] The rapid construction of railways after 1870 largely removed the incentive to river improvement. Most of the streams have ceased to be factors in the transportation problem of the State, though considerable quantities of cotton, lumber and other low grade freight

[1] A writer in *Flake's Bulletin*, February 4, 1869, says that a company was chartered by the Legislature in 1866 and had opened up the Neches river to Holly's Bluff in Trinity county and proposed to open it immediately to Shook's Bluff in Cherokee county. Dr. O. Teagarden, president of the company, was then in Galveston to purchase a steamer to put on the river.

are still floated down the rivers to the Gulf ports. It remains to be seen whether the efforts at canalization, now being made by the United States Government, will succeed in making the Trinity, the Brazos, and other Texas rivers successful rivals of the railroads.

3. Overland Trade and Travel

Before the advent of the railway, overland trade and travel were accomplished by means of the ox-wagon and stagecoach. The roads were few and poor; road building for the most part consisted merely of clearing the brush from the right of way and log-bridging such streams as could not be conveniently forded. Several efforts were made by the Republic to build national highways. In 1838, commissioners were appointed to open a road from Bastrop by way of the upper three forks of the Trinity to a point on the Red River to be selected not below Spanish Bluff nor above the Cross Timbers. In 1839, the House passed a bill to reopen the old road from San Antonio to Nacogdoches, but it died in the Senate. Another House bill, providing for opening a national road from Washington on the Brazos to the Sabine, produced a very warm debate in the Senate. Several members opposed the bill because it appropriated for the enterprise $500 from the national treasury. Where was the money to come from? Said one patriot: "We have an army, a navy, and all the officers of government to pay, soldiers to clothe and feed, Mexicans and Indians to whip, and to guard our frontier—uses, in fact, for ten times as much money as we can raise." Others opposed it because they believed it was an attempt at class legislation, and that it was prompted by the local greed and grasping spirit of Jasper county. The result was that when the bill became a law the $500 appropriation had been eliminated and the counties were left to open the road at their own expense. Another attempt at highway building occurred in 1844 when Congress provided for opening the "Central National Road of the Republic of Texas." It was to run from the mouth of the Elm Fork of the Trinity to a point on Red River opposite the mouth of the Kiamisha. The road was to be located and surveyed and then let out to contractors, who were to be paid for their work by a grant of public lands, provided that the cost of the road should not exceed one hundred and sixty acres of land to the mile. The road was to be thirty feet wide, the bridges fifteen feet wide, and the stumps not more than twelve inches high.

As the population increased, the counties gradually opened roads to accommodate the traveling public, and private stage lines were established between the principal towns. These stage lines were the forerunners of the railways, and served as models for the early railroad companies. They were usually owned by an individual or company called the "Contractor." The roads over which the stagecoaches

traveled were generally laid out and surveyed by the Contractor, but they were kept in repair by the counties through which they passed. Depots were established in all the important towns on the routes and tickets for transportation were sold as is done by the railroad companies of today. The teams consisted of from four to six horses or mules. An average speed of five to eight miles per hour was made, but it is said that in bad weather the passengers were sometimes compelled to walk and prize mud from the wheels. Fresh teams were secured from time to time at stations scattered along the route and taverns and eating stands were provided for the refreshment of the passengers. The usual cost of transportation was ten cents per mile, each passenger being allowed a small amount of hand baggage.

The number of stage lines in Texas probably reached a maximum limit about 1860. The *Texas Almanac* of that date shows thirty-one distinct stage lines, forming a perfect net-work of lines that covered all the settled portions of the State. It is a matter of interest to note that a strong tendency toward consolidation had made itself felt even at this early date, for we find that one concern, the firm of Sawyer, Risher, and Hall, controlled sixteen of the thirty-one lines. They were believed to be the largest mail contractors in the United States, owning many lines in Louisiana as well as most of those in Texas, and employing three hundred men and one thousand mules and horses.

In addition to the thirty-one lines lying within the State there were two long distance lines in operation that deserve mention. One extended from Sherman to Fort Smith, Arkansas, where it made connection with a line to St. Louis. The through trip from Sherman to St. Louis was made in four and one-half days, traveling day and night. This line also extended from Sherman to Fort Concho, near the Rio Grande, where it made connection with the line from San Antonio to San Diego, California.

This latter route from San Antonio to San Diego was one of the longest overland stage lines ever established, covering a total distance of fourteen hundred and seventy-six miles. It was opened in 1857 by Mr. J. E. Burch, of California, who secured a contract with the Post Office Department to carry the mails between the two places, semi-monthly trips to be made in four-horse coaches, the consideration being $149,000 annually. Although thirty days were allowed for the trip, the mails were rarely out over twenty-five days, twenty-three days being the average time required. The cost of a through passage was $200, all expenses being borne by the company. The stages were so arranged "that passengers could recline in them comfortably and take their sleep while traveling." In carrying out this contract the company employed sixty-five men, fifty coaches, and four hundred mules. The San Antonio and San Diego route was, without a doubt, the most practicable route to the Pacific, and, had

it not been for the prejudices of the Civil War period, it would probably have been chosen as the route for the first transcontinental railroad. It is interesting to note how closely the old stage route was followed, fifteen years later, by the engineers of the Southern Pacific Railway Company.

The transportation of freight was accomplished by means of ox freight-lines, which in general followed the routes used by the stage lines that led to the markets and seaports. A caravan of ox-wagons moved along at a very leisurely pace, depending on the grass along the way for the support of the teams. Many weeks and even months were required to deliver a cargo of cotton or buffalo hides at the market and to return to the interior with the sugar and coffee and manufactured goods required by the settlers. Before the opening of roads the cost of transportation was almost prohibitive. In 1842, President Houston assigns the cost of transportation, along with the danger from Indians and Mexican raiders, as a cause for the removal of the capital from Austin to some point near the sea-coast. "During the last year," said he, "the expense to the government for transportation to the city of Austin, over and above what it would have been to any point on the seaboard, exceeded seventy thousand dollars, and the extra cost of the transportation of the mail, aside from all other expense and inconvenience attending its remote and detached situation, amounts to many thousands more."

As the country became settled, however, "freighting" came to be a permanent occupation and furnished employment to a very considerable portion of the population. The customary rate of charge was one dollar per hundred pounds per hundred miles, or twenty cents per ton-mile, if we express it in terms of the modern railway unit of work. As the present freight rate in Texas[1a] is about one cent per ton-mile, it will be seen that the introduction of the railway has reduced the cost of transportation to about one-twentieth of what our fathers were compelled to pay. This heavy cost of transportation was a tremendous handicap on the fertile black-land region of the central and northern sections of the State. The surplus wheat of this region, on account of the cost, could not be transported over a hundred and fifty miles, and either rotted in the fields or was fed to the stock. It was undoubtedly this lack of transportation facilities that caused this, the most fertile region of the State, to remain so long practically untouched, while the population fringed the Gulf and bays and navigable rivers in the southern and eastern sections.[2]

[1a] That is, in 1909.

[2] The Comptroller's Report for 1850 shows sixteen counties whose assessed wealth exceeded one million dollars. They were all in South and East Texas and practically all were located on navigable water. Following are the assessed values for 1850 in some of the typical counties in Central and North Texas on the one hand and in South and East Texas on the other:

4. *Early Trade Districts and Trade Centers*

In the days of the "freighters," Texas was divided geographically into five trade districts, each tributary to one or more market towns and seaports. The boundaries of these districts overlapped each other and shifted from time to time, but the districts were distinct and fairly definite. The most important of these districts was that tributary to Houston and Galveston. Roughly speaking, it had the Neches for its eastern boundary and the Colorado for its western boundary, and it extended northward to the Red River. The region lying to the east of the Neches and south of Nacogdoches and Shelby counties sent most of its products to the Galveston and New Orleans markets by way of Sabine Pass, though at times considerable trade crossed the Sabine to Natchitoches and other Red River points for shipment to New Orleans. Lying west of the Colorado and south of Erath and Eastland counties was a great, relatively unsettled region whose chief market was San Antonio, and whose seaports were Port Lavaca, Indianola, Matagorda, Texana, Saluria, and Corpus Christi. The trade of the Rio Grande valley as far northward as the San Diego stage line, centered in Brownsville and Brazos Santiago. The fifth district stretched from the Red River across the northern portion of the State to the frontier counties in the west. Its chief market and port was the town of Jefferson, which was connected with the Red River by Cypress Bayou and Caddo Lake. Shreveport was a strong

Central and North Texas Counties—	Assessed Values.
Bell	$96,000
Collin	159,000
Cooke	8,000
Dallas	145,000
Denton	16,000
Ellis	84,000
Falls	40,000
Fannin	538,000
Grayson	183,000
Henderson	10,000
Hopkins	227,000
Hunt	87,000
Kaufman	82,000
Navarro	266,000
Tarrant	30,000
Williamson	353,000
Total	$2,324,000

South and East Texas Counties—	Assessed Values.
Austin	$1,235,000
Bexar	1,069,000
Brazoria	3,236,000
Fayette	1,032,000
Fort Bend	1,060,000
Cass	1,022,000
Galveston	2,242,000
Grimes	1,208,000
Harris	1,676,000
Harrison	3,099,000
Matagorda	1,323,000
Nacogdoches	1,743,000
Rusk	1,717,000
Red River	1,002,000
San Augustine	1,587,000
Washington	2,102,000
Total	$26,353,000

The total assessed wealth of the State for that year was $50,715,000, of which it will be seen more than one-half was located in the sixteen counties of South and East Texas, just enumerated.

rival of Jefferson, while Clarksville was the leading distributing point for the commerce on the Red River above the Great Raft.

The rival cities of Houston and Galveston took their rise at the same time, during the period immediately following the Texas revolution in 1836. Galveston has always been the chief seaport on the Texas coast, while Houston at the head of navigation on the Buffalo Bayou early came into prominence as a distributing center. In 1836 Galveston had hardly one vessel per month. In 1838 vessels were coming and going daily and the imports during the first quarter of the year amounted to more than a quarter of a million dollars. A writer in the *Houston Telegraph*, June 16, 1838, says that Galveston then had fifty or sixty elegant buildings, where there had been only one twelve months before. In a public address, delivered in Galveston on June 29, 1839, Dr. Anson Jones, afterwards President of the Republic, said:

> I am happy, fellow citizens, to see the evidences of prosperity which now immediately surround the island of Galveston. It is but about eighteen months since the improvements commenced on this island; and now, after the lapse of so short a time, the city of Galveston, like Venice, the bride of the Adriatic, has arisen as if by enchantment from the waters, and smiles gloriously and beautifully upon the sea which surrounds her. Your population, which already amounts to near three thousand, is rapidly and constantly increasing.

The population had grown to 5,000 in 1850 and to 15,000 in 1865, despite the ravages of the Civil War. The exports through the port of Galveston, which amounted to $23,000,000 in 1865, had grown to ten times that figure in 1907.

Houston's growth kept pace with that of Galveston until after the war. Then, as a result of its railway connections and the establishment of manufacturing enterprises, it gradually forged ahead in wealth and population, and as an inland trading center.

The principal seaports for San Antonio and the region west of the Colorado were Port Lavaca and Indianola, rival towns on Matagorda Bay.[3] The population numbered about 3,000 and 2,000 respectively in 1860. In that year Port Lavaca exported 30,000 bales of cotton and Indianola 28,600. Another rival port in this section was Corpus Christi, whose population in 1860 was about 4,000. In 1875 Indianola was completely overwhelmed by a great tropical storm similar to the one that visited Galveston in 1900. Today only a single boat house marks the spot where this flourishing seaport once stood.

[3] The so-called Cart War was an incident connected with this overland freight business between San Antonio and the seaports. In 1856 the people of Colorado county were thrown into a panic by the discovery of what seemed to be a well matured plan to produce a slave uprising. The Mexicans, who were numerous in that section, and who were largely engaged in the freight business between San Antonio and the coast, were accused of guilty complicity in the

Brazos Santiago was mainly engaged in trade with Mexico, nearly four million dollars' worth of imports coming from that country in 1859. Of this amount, however, more than three million dollars consisted of silver bullion. Sabine Pass, on the other hand, was mainly engaged in the export trade. In 1859, the exports from this port were 18,000 bales of cotton, 1,099,000 feet of lumber, 12,000,000 shingles, 7,000 hoop poles, 97,000 staves, 5,669 beeves, and 23,700 pounds of tobacco. The imports during the same year were about 100,000 barrels of assorted merchandise.

In the history of the early commercial struggles in Texas, there is no story more pathetic than the rise and decay of the town of Jefferson. Before the railway era it was by far the largest city and trading center in North Texas, and second only to Galveston as a shipping point. Cotton, wheat, hides, and lumber, all the surplus products of a region as large as many of the States of the Union, sought their way, on slow-moving wagon trains, to the wharves of Jefferson, where they were loaded on small steamers that threaded their way through the tortuous channel of the Big Cypress, across Lake Caddo, and down the Red River to New Orleans and the commercial world beyond. On the return trip the steamers brought to Jefferson the manufactured goods of other sections and of foreign lands, which were distributed westward to Sherman, Dallas, Fort Worth and other frontier settlements to the foot of the plains. It is estimated that at one time one-fourth of the entire trade of the State passed through Jefferson. For the years 1859 and 1860 the export cotton trade of Jefferson amounted to 88,000 bales and 100,000 bales respectively, while the exports from Galveston were 118,000 bales and 148,000 bales for the same years. The wagon trade was so large "that the roads leading from the west were literally so blocked up with vehicles that passage was difficult."

But a change came with the building of railways into Jefferson's trade district. In the early seventies, the completion of the Houston and Texas Central to Dallas and Sherman furnished an outlet to the Gulf, the main line of the Texas and Pacific gave an outlet to New Orleans by way of Shreveport, and the Transcontinental Branch, connecting with the Iron Mountain at Texarkana, gave a direct line to St. Louis. The little river steamer and the ox-wagon proved no match for the locomotive. New commercial centers sprang up in the west and Jefferson's wagon trade began to decline. Her enterprising business men made a strong fight to hold the trade they had so long enjoyed. They organized themselves into a railway company and built a narrow-gauge line west through Sulphur Springs to Greenville, and later to McKinney. They built a saw mill, an iron foundry, an oil

proposed revolt. So, as a result, their wagon trains were attacked by lawless whites, their animals killed, and their goods carried away. Governor Pease was forced to order out the militia to restore order.

refinery and a wagon factory. But they fought a losing battle. The *Galveston News* said, in 1881:

> The building of the Texas and Pacific worked an era of decline for Jefferson, which has depreciated her property seventy per cent since 1874, forced half her population to move away, left her finest buildings without a tenant, and partially made her the Palmyra of Texas. Railroad competition for freight has forced steamboats out of the bayou, which they rarely or never ascend as in former days, but stop at Shreveport.

Her population decreased from 12,000 in 1870 to less than 5,000 in 1880, and to 3,000 in 1890.

Clarksville had a career similar to that of Jefferson, but somewhat less dramatic. A writer in the *Galveston News* of September 1, 1881, says:

> This, the oldest town in Northern Texas, was begun in 1835, and up to 1860 continued the leading place in that section, and was such in 1842 when neither Paris, Dallas, nor Bonham had an existence. It was to North Texas what Jefferson was to the eastern part of the State, and commanded the trade of a most extended section, then but sparsely settled and little known. Before the days of railroads in Texas, Clarksville procured its supplies from New Orleans by way of Red River, steamboats delivering their cargoes at Rowland's Landing, fifteen miles distant, from which point wagon transportation was used. Clarksville is said to have sold and distributed her goods as far west as El Paso. Like Jefferson, the trade of the town came to a stand-still simultaneously with the railroad era, because most of the country tributary to Clarksville then began to patronize other markets opened up.

5. *The Movement of Cattle*

One other phase of the early transportation system of Texas deserves a passing notice in this connection. Reference is here made to the transportation of cattle to the Northern prairies and to the markets. An important feature of this class of freight is that, in the absence of convenient means of shipment, it can be made to transport itself. So before the opening of railway routes to the North and East, the surplus beef cattle of the State were driven overland to markets five hundred to a thousand miles away. The cattle of Southern and Eastern Texas, with the exception of a small number that went by boat from Jefferson, Galveston and other seaports, were driven across the State of Louisiana to New Orleans. But the great cattle movement was "up the trail," through the Panhandle country of Texas to Dodge City, Kansas. From there these stalwart Texan "long-horns" were usually scattered over the prairies of Kansas, Nebraska, and even as far northward as Montana and Minnesota, to be fattened, and driven later in the season to St. Louis, Kansas City, or Omaha for slaughter, or for trans-shipment to New York or Chicago. This overland movement to the Northern ranges reached a maximum in the early seventies when it is estimated that as many

as 500,000 cattle were driven up the trail in a single season. With the opening of through railway lines to the North, the movement on the trail began to decline and had almost ceased by 1890. In 1879, about 257,000 were driven overland and 245,000 head were shipped out of the State by rail and water.[4]

II. The Development of the Railway Net

1. *Early Attempts at Railroad Construction*

The railway history of Texas begins simultaneously with the State's existence as an independent republic. The first congress which met in the fall of 1836, launched the famous Texas Railroad, Navigation and Banking Company. This was about as wild an enterprise as one would expect to find in a new community, and it bears a striking resemblance to many of the reckless banking and transportation schemes that were foisted upon the people of the Western and Southern States of the Union, in the great period of expansion and speculation just preceding the panic of 1837. The extravagance of the adventure will be more readily appreciated if the actual conditions of the infant nation be kept in mind: the war for independence not yet over and apt to flame up again at any moment; the machinery of civil government hardly yet in motion; the population, scarcely numbering 50,000, scattered thinly over an area two or three times as large as New England, without a circulating medium, and possessed of scarcely a dollar of surplus capital available for such an enterprise.

The fathers of the enterprise were Dr. Branch T. Archer, James Collinsworth, T. J. Green, T. F. McKinney, A. C. Horton, A. C. Allen, and Mosely Baker, names prominent in the history of the revolution. They seem to have had visions of a sort of Credit Mobilier that should have control of the banking and transportation facilities of the country, and should have unlimited means for speculating in lands and all kinds of personal property. The charter granted by Congress and approved by President Houston, December 16, 1836, conferred upon the company "the right of connecting the waters of the Rio Grande and the Sabine, by means of internal navigation and railroads, from and to such particular points of connection as may be agreed upon and selected by said company, with a privilege also of constructing such branches, either by canals or railroads, to connect with the main line above named, as may be agreed upon and determined by said company." That is, the company was to construct a complete system of river, canal, and rail transportation facilities, including a main line across the entire country from east to west

[4] *Galveston News*, September 1, 1879. For an account of the trouble produced by the spread of Texas or tick fever among Northern cattle, see an article by the present writer in the *Review of Reviews*, January, 1904.

and as many branches as the demands of the community or the interests of the company might dictate. In addition to this the company was to have "banking privileges," which, in those days, invariably meant the power to issue its notes to circulate as money, as well as to carry on the ordinary business of discount and deposit. It was to establish one central bank, after the fashion of the Second Bank of the United States, whose career was then closing, with as many branch banks as "they may think the necessities of the community require," provided that not more than two branches should be established without the consent of some future congress. No limit was fixed to the amount of circulating notes the company might issue and the only provision for their security or redemption was that all the assets of the company were made liable for the payment of the notes and that they should bear interest at the rate of ten per cent from the date of protest for non-payment until they were fully paid. In addition to all this it was declared that the company "shall be in law capable of holding, purchasing, and conveying any estate, real, or personal, or mixed, for the use of the said corporation."

The capital of the company was fixed at $5,000,000, of which $1,000,000 was to be paid in before the banking operations could begin. If, in the opinion of the company, the commercial wants of the country or the welfare of the corporation should demand it, the capital stock could be increased to $10,000,000, provided a bonus of $100,000 was paid into the national treasury. The amount of the discounts the company was allowed to make at any one time was limited to three times the amount of the capital stock, and the rate of discount should not exceed ten per cent.

In return for all these privileges the company was to pay to the State a bonus of $25,000 and two and one-half per cent of the net profits arising from the railroads and canals to be constructed and one per cent of the dividends arising from the banking department, and in addition was to transport free of cost the troops and munitions of war belonging to the State. The charter was to remain in force forty-nine years and might be renewed for a like period upon the payment of $500,000 bonus and five per cent of the net profits from the "works." The company was given the right of eminent domain and was allowed to take possession of the public lands one-half mile on each side of the right of way and pay for them at the minimum price per acre. Finally provision was made for an annual inspection by a commissioner to be appointed by the President.

The charter of the company seems to have aroused very little opposition in its passage through Congress, but when its terms became known to the people during the political campaign of 1837, a storm of opposition and panic swept over the country. It was denounced as a monopoly, a hydra-headed monster, and the destroyer of the liberties of the people. One speaker on the floor of the Senate

said: "I would rather have seen twenty thousand Mexicans invade us, than to have seen that charter pass into a law; for we could, with little difficulty perhaps, whip and annihilate them, but we can never get rid of this devouring monster." The *Telegraph and Texas Register,* July 29, 1837, said editorially:

> Our condition is now such that should we continue blind to our duty the fairest portions of our republic will gradually pass from our possession, and this vast institution, like a devouring monster, will commence the tremendous work of ruin; swallowing league after league, as planter after planter becomes entangled in its mighty toils; and at length county after county recedes into its capacious maw, until finally liberty takes flight from what was once Texas—the land hallowed by the sacred blood of a thousand martyred heroes.

Among others who vigorously attacked the project was Dr. Anson Jones, who distributed a circular on the subject over Brazoria county and was elected to the Senate in 1837 on a platform of opposition to the company. As a result of these attacks and the hard times following the panic of 1837, the stock of the concern was never sold and the whole scheme fell to the ground.

Between the collapse of this company and the beginning of actual railway construction in 1851, a number of companies were chartered and attempts were made to raise funds and begin the work of construction. And it would seem that the actual work of construction was begun on what is now the Galveston, Harrisburg and San Antonio Railroad as early as 1840. The road, then known as the Harrisburg and Brazos Railroad, had not been incorporated, but Andrew Briscoe, the promoter, let a contract for 3,000 ties and advertised in March to hire sixty slaves to begin work. In its issue of May 6, 1840, the *Morning Star,* a newspaper published at Houston, says: "A large number of laborers are engaged at present in throwing up the track and preparing it for rails at an early season, and a greater number will soon be employed." The following year the road was incorporated as the Harrisburg Railroad and Trading Company, but active operations were soon discontinued, and were not resumed again until 1851.

2. *Construction Prior to the Civil War*

1. Buffalo Bayou, Brazos and Colorado Railway.—The first railroad actually constructed in the State of Texas was the Buffalo Bayou, Brazos, and Colorado, or what was commonly called the Harrisburg Railroad. It is now a part of the Galveston, Harrisburg and San Antonio Railroad and forms a link in the Southern Pacific line connecting Galveston and New Orleans with San Francisco. As stated above, an attempt was made to build this road in 1840, but it failed to secure the necessary capital on account of the unsettled condition of the country and the danger of another Mexican invasion. In 1847,

General Sidney Sherman became interested in the enterprise and purchased all the unsold town lots of the town of Harrisburg, nine miles below Houston, at the head of navigation on Buffalo Bayou. He succeeded in interesting Northern capital in the enterprise, and in 1850 a charter was granted, the incorporators being Sidney Sherman, Hugh McLeod, John G. Todd, John Angier, Jonathan F. Barret, E. A. Allen, Wm. M. Rice, W. A. Van Alstine, James H. Stevens, B. A. Shepherd, and W. J. Hutchings, most of them men well known in the business affairs of Houston and Galveston. Jonathan F. Barret was made president. The line was surveyed from Harrisburg westward in the spring of 1851, and grading began. Late in the following year the first rails were received along with the first locomotive, the "General Sherman," and track-laying began. By August 1, 1853, twenty miles were complete and the event was celebrated by a barbecue at Stafford Point. Two years later the road was completed to Richmond on the Brazos, a distance of thirty-two miles from Harrisburg. A cheap pile bridge, only six feet above the water at a low stage, was built across the river, the middle sections being removable on flat boats, to permit the passage of steamboats and other vessels that occasionally navigated the river at that time. In 1859 the road reached Eagle Lake, and in 1860 it was completed to Alleyton, within two miles of the Colorado river opposite Columbus, a distance of eighty miles from Harrisburg.

It was the original plan of the company to extend the road up the Colorado river to Austin, but as construction proceeded it was seen that the natural course was in the direction of San Antonio. Accordingly a company was chartered in 1858, under title of the Columbus, San Antonio and Rio Grande Railroad, to build from Columbus by way of Gonzales and San Antonio to the Rio Grande near Eagle Pass. To connect this line with the B. B. B. & C. at Alleyton, the Columbus Tap Railway was incorporated in 1860. But the outbreak of war prevented any further construction on any of these lines, and Alleyton remained the terminus and distributing center until 1868, when the Tap was completed into Columbus.

II. Galveston and Red River Railway.—The second oldest railroad in the State is the Houston and Texas Central, or the Galveston and Red River Railroad as it was at first called. In one particular it is older than the B. B. B. & C., for it was incorporated by an act of the Legislature approved March 11, 1848, almost two years before the charter was granted to the Harrisburg road. The original charter was repealed on February 14, 1852, and a new one granted, and in 1856 the company was authorized to change its name to the Houston and Texas Central.

The original plan was to build from Galveston to the Red river, but grading began at Houston in 1853, and the Legislature, by special act, approved that action instead of requiring Galveston to be made

the southern terminus. Work seems to have gone very slowly during the next three years, for when the first engine was put on in January, 1856, only two miles of line were completed. However, the road reached Cypress City, twenty-five miles, on July 27, 1856, and ten miles more were added during the next ten months, Hockley being reached on May 11, 1857. The road was extended to Hempstead during the next year, and to Millican in 1860. Here construction ceased until 1867, and Millican, like Alleyton, became the distributing point for a territory two hundred miles in diameter, extending as far north as Dallas and Fort Worth.

III. Washington County Railroad.—Another part of the present Houston and Texas Railroad was constructed during this period, as an independent enterprise. This was the Washington County Railroad, chartered February 2, 1856, to build from Hempstead to Brenham, the county seat of Washington county. Work began on this line in 1857 and eleven miles were opened in 1858. The road was completed to Brenham, twenty-one miles, in 1860, and that town remained an important terminus until after the close of the war.

IV. Galveston, Houston and Henderson.—This was one of the most important roads built prior to the Civil War. It connected Houston, the most important inland commercial center, with Galveston, the seaport, and furnished an outlet for the roads that centered in Houston and Harrisburg. It was incorporated by act of the Legislature approved February 7, 1853. Construction began at Virginia Point, across the bay from Galveston, March 1, 1854, and proceeded in a leisurely fashion toward Houston, reaching that city, a distance of forty-two miles, late in 1858. During these years the completed portion of the road was operated in conjunction with a steam ferry that plied between Galveston and Virginia Point. In the summer of 1859 a bridge was completed across the bay and the line from the bridge to Market Street, Galveston, was completed in 1860, thus giving direct rail connection between Houston and Galveston, a distance of fifty miles.

V. Houston Tap and Brazoria Railroad.—The Houston Tap Railroad was built by the city of Houston in 1856, from Houston to Pierce Junction, a distance of seven miles, to connect Houston with the B. B. B. & C. Ry. In 1859 it was sold for $42,000 in cash and $130,000 in stock to the Houston Tap and Brazoria Railroad Company, which was organized under an act approved September 1, 1856, and was extended to Columbia on the Brazos river, fifty miles from Houston, by 1861. The road was built largely by the sugar and cotton planters along the route, who subscribed for the stock and paid their subscriptions by grading the road with their slaves and teams. In recent years this road has been consolidated with the International and Great Northern and now (1909) forms a part of that system.

VI. The Texas and New Orleans Railroad.—This road was first

chartered September 1, 1856, under the name of the Sabine and Galveston Bay Railroad and Lumber Company, and was authorized to build a line from Madison in Orange county westward by way of Beaumont to tide water on Galveston Bay. On December 24, 1859, however, an act was approved changing its name to the Texas and New Orleans, and authorizing it to accept an act passed by the Legislature of Louisiana allowing it to construct a line in that State to be known as the "Louisiana Division" in contradistinction from the line in this State, which was called the "Texas Division." Work began on this line at Houston in 1858, and by August, 1860, it was completed to Liberty, a distance of forty miles, and by January 1, 1861, to the Sabine river at Orange, a distance of 111 miles. In February, 1861, the Texas Legislature called the attention of the Louisiana Legislature to the strategic importance of an early completion of the "Louisiana Division" of the line in case the coast should be blockaded by the Federal navy.

VII. Eastern Texas Railroad.—This road seems to have evolved from a project to build a line from Henderson in Rusk county to Burkville in Newton county. It was first chartered in 1852 as the Henderson and Burkville Railroad, but was later allowed to begin on the Gulf coast, and in 1856 its name was changed to the Mexican Gulf and Henderson Railroad. In 1857 work began at Pine Island Bayou, eight miles north of Beaumont. A few miles of line were cleared of brush and grubbed, and then work ceased for lack of funds. In 1858 the Eastern Texas Railroad Company was incorporated to build a line over the route mapped out by the Henderson and Burkville Railroad, and it was required to pay Ferguson, Alexander and Company, the contractors, $3,000 for the work already done. The new company began work some fifteen or twenty miles south of Beaumont and during the next two years graded thirty miles northward from Sabine Pass. It seems to have forfeited its charter, for another company was incorporated under the same name January, 1860, to take over the grade and complete the line. During the next twelve months twenty-five miles were completed and equipped with rolling stock and thirty miles more graded, when operations were interrupted by the outbreak of the war.

VIII. San Antonio and Mexican Gulf.—This road was the beginning of the attempt to connect San Antonio with its seaport at Port Lavaca, an attempt that was not successfully carried into execution until during the summer of 1906, when the Galveston, Harrisburg and San Antonio closed the gap between Cuero and Stockdale. The company was incorporated by an act of the Legislature approved September 5, 1850, but construction did not begin until 1856. In April, 1861, the line was opened from Port Lavaca to Victoria, a distance of twenty-eight miles. Victoria remained the terminus for many years.

IX. The Indianola Railroad.—This road was prompted by the rivalry of the two seaports, Indianola and Port Lavaca, and was

intended as an offset to the San Antonio and Mexican Gulf, which was a Port Lavaca enterprise. It was intended to extend from Indianola on Matagorda Bay through Gonzales and Austin to a connection with the Vicksburg and El Paso, a line projected across the northern portion of the State. The line was chartered January 21, 1858, and fifteen miles were constructed to a junction with the San Antonio and Mexican Gulf Railway. This road was completely destroyed by the tropical hurricane that overwhelmed Indianola in 1875, and has never been rebuilt.

X. The Southern Pacific Railroad.—This road was the beginning of the present Texas and Pacific Railroad, the great east and west line of the northern part of the State, a full account of which is given later.[1] It was first chartered Febuary 16, 1852, as the Vicksburg and El Paso Railroad, or the Texas Western, as it was frequently called. It was projected from a connection with the Vicksburg, Shreveport and Texas Railroad at the State line, westward to El Paso. The name was changed to the Southern Pacific by an act approved on August 16, 1856. Work began in 1856 on a branch from Marshall to Caddo Lake to be used in transporting material for the construction of the main line. By February 10, 1858, twenty miles were completed, and seven and a half more were added the next year. It would seem that construction work continued on this line after the outbreak of hostilities. . . .

XI. The Memphis, El Paso and Pacific Railroad.—The northern or Transcontinental branch of the Texas and Pacific also had its beginning during this period prior to the Civil War. It was first chartered in 1853, as the Memphis, El Paso and Pacific Railroad, to construct a line from a point opposite Fulton, Arkansas, westward along the southern bank of the Red river, through El Paso, to the Pacific Ocean. The company was organized in 1856, one million dollars of stock subscribed and $125,000 paid into the treasury. Construction began in 1857 near Texarkana, and the friends of the project believed they would have fifty miles in operation in ninety days. But all their plans were upset by the interruption of their means of communication with the outside world by way of the Red river. During some heavy freshets in the river, immense quantities of driftwood lodged against the great "Raft," adding several miles to its length and completely cutting off communication with points below. It was then decided to build a branch line to Caddo Lake and secure materials and supplies from that source. Construction began on this branch line near Jefferson and five miles were completed and put in operation and fifty-seven miles of the main line were graded before the outbreak of hostilities put a stop to the work. Work was resumed in 1869 and one hundred miles were put in operation during 1870.

It is believed that the preceding account covers all the railway

[1] The chapter on the building of the Texas and Pacific is omitted in these *Readings.*

mileage completed and put in operation up to 1862, when construction ceased on account of the war. The period is one of "loud profession and little deed." Beginning with the Texas Railroad Navigation and Banking Company in 1836, the Legislature had by special act incorporated more than fifty railroad companies and authorized the construction of many thousands of miles of line. Many of the roads were projected from the State line, or the Mississippi river, or even the Atlantic coast on the east, across the State to the Pacific coast of Mexico or California on the west, while at least one road was to extend from the Gulf of Mexico to the Great Lakes or the Canadian frontier. The result of it all, however, was the construction of eleven short lines of road, which were built largely out of the lands granted by the State and the loans made to the roads out of the school fund. And most of the roads constructed were too weak to weather the financial storm that came as a result of the war and the period of reconstruction. The following table is believed to be a fairly accurate summary of the railway construction of the period:

Railroad	*Origin*	*Terminus*	*Miles*
B. B. B. & C.	Harrisburg	Alleyton	80
H. & T. C.	Houston	Millican	80
Wash. County R. R.	Hempstead	Brenham	21
G. H. & H.	Galveston	Houston	50
H. T. & B.	Houston	Columbia	50
T. & N. O.	Houston	Orange	111
Eastern Tex. R. R.	Sabine Pass	Beaumont	25
S. A. & M. G.	Port Lavaca	Victoria	28
Indianola R. R.	Indianola	Junction Point	15
Southern Pac.	Marshall	State Line	27
M. El P. & Pac.	Jefferson		5
Total			492

It will be noted that practically all the effective mileage centered in Houston, which then became and has since remained the most important railway center in the State. Of the five roads that did not reach Houston directly or indirectly, one was an effort to reach deep water through Sabine Pass, and two were attempts by the rival ports on Matagorda Bay to hold their traffic as against each other and their common rival, Galveston, whose importance was being greatly magnified as a result of her four hundred miles of railway connection. The two lines in Northeast Texas were feeble efforts to build a Pacific road along the "32d parallel."

The meagerness of the results obtained during the period under consideration was undoubtedly due to the inability of the companies

to obtain funds with which to carry on construction. There was a very great dearth of free capital in the country and it was with great difficulty that outside capital was secured. The population was small and scattered over a large area, and the freight tonnage was very light. As a result capitalists could not see any prospect of returns at any early date, and refused to subscribe for the stock or to buy the bonds of the feeble companies. To aid the companies in their efforts to secure funds the State granted to them sixteen sections of land, of 640 acres each, for every mile of line constructed, and after 1856 made them a loan from the permanent school fund, to the amount of $6,000 for every mile of line constructed and opened for traffic. In addition cities, counties, and private individuals made donations to the roads in order to secure transportation facilities. San Antonio and Bexar county put $100,000 into the road from Port Lavaca to Victoria; Brazoria county donated $100,000 to the Houston Tap and Brazoria; and, as previously mentioned, Galveston put $100,000 into the bridge across the bay.

A good idea of the financial operation of one of these roads may be obtained from the history of the Harrisburg line. Up to 1860 it had raised and expended $1,209,000. Of this sum $311,700 had been received from the sale of its capital stock. The sum of $24,000 was donated by the citizens of Colorado, Fayette, Bastrop, Travis, and Wharton counties. Five hundred and eighty-eight thousand eight hundred acres of land donated by the State had been sold for $106,800, or about 18 cents per acre. A loan of $420,000 had been obtained from the school fund, and $232,000 had been secured from parties in Boston for which bonds were issued, and materials and supplies to the value of $215,000 had been purchased on the company's notes. From these figures it would seem that of the $1,200,000 expended by the company, $550,000, or nearly one-half, had been furnished by the State or donated by private individuals.

3. *Effects of the War and Reconstruction*

Probably no industry suffers more severely in times of war than do the railways that chance to lie within the range of hostilities. Railway lines, on account of their strategic importance, are frequently the scene of the heaviest fighting and are not infrequently destroyed to prevent them from falling into the hands of the enemy. Most of the railroads of the old South were either badly crippled or entirely ruined by one or another of the contending armies that surged back and forth, with the varying fortunes of war. Fortunately for the industrial welfare of Texas, no hostile army succeeded in effecting an entrance to the State until the hopes of the Confederacy had been abandoned and the home guard had been disbanded. So when the Federal troops

finally took possession of the State in 1865, there was no occasion for the destruction of railway property.

In spite of this apparent immunity from the worst consequences of the war, the Texas railroads suffered heavily and the development of a system of transportation facilities was put back for ten or a dozen years. Two of the eleven roads in operation at the beginning of the war were destroyed, one certainly and possibly two roads were abandoned either during the war or soon after its close, while the roadbed and rolling stock of all the others deteriorated very greatly, and practically all the companies were left bankrupt.

The two roads destroyed were the Eastern Texas Railroad and the San Antonio and Mexican Gulf. Most of the iron of the Eastern Texas Railroad was torn up by the Confederate military authorities and used in constructing a fort at Sabine Pass, "the rolling stock of the road being sent off." "A valuable bridge across Taylor's Bayou was destroyed by the United States forces; in a word, the work of construction was completely arrested by the war, the prospects of the company ruined and its property destroyed without fault on its part." In 1863 the San Antonio and Mexican Gulf was destroyed by the Confederates under "Rebel General Magruder." The Constitutional Convention of 1868 in an ordinance passed August 25, says: "This wanton and wicked destruction of private property and a great enterprise was owing to the hostility and desire of those then in power to harass and ruin the principal owners or stockholders on account of their well-known loyalty and avowed Union sentiments." However, the road was rebuilt by the Federals in 1865–66, and the following advertisement appears in a newspaper of the time: "On and after August 15 [1866], the San Antonio and Mexican Gulf Railroad Company will run daily trains (Sundays excepted) between Victoria and Lavaca. All freight destined for points in the interior will be transported at the rate of ten cents (U. S. currency) per 100 pounds." The road was soon in a bad way again, however, and we are told "that owing to the continued rains, it has become impracticable to run the locomotive on the road between Victoria and Lavaca. Mr. Thompson, the Superintendent, is preparing to run light cars by mule power." In 1870 the road was sold under foreclosure by the United States Government to satisfy a claim of $45,000.

The one road certainly abandoned was the Texas and New Orleans, which had just been completed from Houston to Orange in 1861; and it seems altogether probable that train service was abandoned on the Houston Tap and Brazoria Railroad. In a letter to General J. J. Reynolds, Commandant of the Fifth Military District, which embraced Texas, Comptroller M. C. Hamilton, August 17, 1869, says: "It is not even known at this office whether the Texas and New Orleans and the Houston Tap are now organized and operating their roads." But, as regards the Texas and New Orleans, Chairman Flana-

gan of the Committee on Internal Improvements, speaks with more assurance. He says: "The Texas and New Orleans Road is represented to be in very bad condition. The bridge over the Trinity river is stated to be unfit for use, and the road generally in a state of extreme dilapidation. Cars have ceased to pass over it." It had been rebuilt to West Liberty prior to 1870 and was reopened to Orange in 1876.

The other roads of the State fared but little better than the four just mentioned. Comptroller Hamilton said in his official report to the Governor:

> Most of the railway enterprises became so crippled during the rebellion that they ceased in any sense to be living, organized bodies. No accurate information can be given of their assets, liabilities, or capacity for business. They have ceased to work in the extension of their roads, and it is not known whether they are operating the lines already completed.

A more detailed description of the condition of the roads may be gathered from the following account of the B. B. B. & C. as given by Mr. Flanagan's Committee on Internal Improvements:

> In consequence of the financial derangement produced by the rebellion, and the wearing out of the rolling stock, machinery and roadbeds during its continuance, said company became greatly embarrassed at the close of the rebellion, and were without means, machinery or rolling stock, and a worn-out road on its hands as the results of the war.

Several other companies were worse off than this one. Six of the roads were indebted to the State for money loaned to them from the school fund prior to the outbreak of the war. In 1868, the amount of this indebtedness, including principal and arrears of interest, amounted to $2,203,000. As it seemed highly improbable that the companies would be able to meet their obligations to the State at any time in the near future, the Convention that framed the Constitution of 1869 ordered the Governor to take possession of the property of the Texas and New Orleans, the Houston Tap, and the Southern Pacific and proceed to sell them. None of the roads were sold in obedience to this ordinance, however, and by a subsequent ordinance the companies were allowed to retain their property upon condition that they make semi-annual payments of interest and one per cent to a sinking fund, on the basis of the amount due on May 1, 1870. But the Houston Tap and Brazoria was unable to meet these conditions and was sold by the State under foreclosure February 15, 1871. It was purchased by the Houston and Great Northern and consolidated with it by act of May 8, 1873, and now (1909) forms a part of the International and Great Northern Railroad system, the successor of the Houston and Great Northern.

From what has now been said it is clear that the railroad companies that had begun the work of construction before the Civil

War were practically ruined by it, and remained in a condition of utter weakness and bankruptcy throughout the period of reconstruction, until Texas was readmitted to the Union in 1870. To this broad statement one exception must be made in favor of the Houston and Texas Central. While it came out of the war with its road "broken down, dilapidated and unsafe," by 1868 it had been "renewed, and made safe, its bridges renewed, stone supports put in place of wooden ones, new ties, new locomotives and cars costing $209,000 procured, the floating debt taken up, and back interest to foreign and Northern bond-holders and creditors fully paid, and the credit of the road built up and established." It extended its line from Millican to Bryan, thirty miles, in 1867, to Calvert, thirty miles, in 1868, to Corsicana, eighty miles, in 1871, and to its present terminus at Denison by January 1, 1873. In 1867 it acquired control over the Washington County Railroad and was allowed to consolidate with it, by ordinance of August 29, 1868. In 1872 this branch was extended to Austin and the same year a branch was opened from Bremond to Waco, under the title of Waco and Northwestern.

Most of this construction took place after 1870, and, with the exception of the Houston and Texas Central, it is believed that the statement is true that the railroads of the State remained in a bankrupt conditions until 1870. During this period the mileage had increased from 492 in 1862 to 511 in 1870.

4. Construction Since 1870

With the close of reconstruction in Texas and the return of settled business and political conditions, the State entered upon an era of great activity in railroad construction. During the two decades from 1870 to 1890, more than eight thousand miles of railroad were constructed within the State, and our transportation system took on the shape it has since retained. In 1870, there were 500 miles of line in operation in the State; in 1890 there were 8,700 miles in operation. There were times during this period when construction was pushed forward with tremendous energy, as in the years 1881 and 1882 when nearly 2,800 miles of line, or more than 100 miles per month, were opened for traffic. There were other periods when, owing to hard times, or possibly reckless legislation, construction almost came to a standstill, as in the two years 1874 and 1875, when only 107 miles were put in operation, or the years 1883 and 1884, when 189 miles were opened for traffic. The small construction in the last named years was due mainly to the repeal of the land grant acts and the reduction of passenger fares from five to three cents per mile, changes made by the Legislature in 1882.

Since 1890 there has been a slow but fairly steady expansion and

rounding out of the system that had taken on its main features during the preceding twenty years. The amount of construction during the decade from 1890 to 1900 was quite small, being but slightly in excess of 1,000 miles, or an average of a little more than 100 miles per year, against an average of over 500 miles per year during the preceding decade. Several causes have been assigned for this decrease in the rate of construction. Those who oppose the regulation of railways through a board of commissioners have undertaken to show that the decrease followed as a natural result of the commission campaign of 1890 and the organization of the Railroad Commission in 1891. They point to the fact that the new mileage dropped from 316 miles in 1888, 281 miles in 1889, and 224 miles in 1890, to 92 miles in 1891. But the statistics published by the Railroad Commission show that the rate of construction quickly recovered from this temporary setback, the new mileage for the years ending June 30, 1892, and 1893, being 162 miles and 272 miles respectively.

Doubtless a far more important cause of the small amount of railroad building during the decade from 1890 to 1900 was the panic of 1893 and the long period of depression that followed it. For several years after the panic of 1893 the roads did not earn enough to keep their physical property in repair. Many of the roads went through receiverships and all of them came out of the hard times in a debilitated condition. The new mileage opened during the period rose from 65 miles in the year ending June 30, 1894, to 137 and 147 miles in 1895 and 1896, and fell to 47 miles and 56 miles in 1897 and 1898, the smallest amounts of construction in any years since 1875, when only 35 miles were opened. The next two years saw an increase to 162 miles and 165 miles respectively.

With the complete return of prosperity in 1900, a new period of activity set in, resulting in the completion of more than 3,000 miles of line up to June 30, 1908, or an average of nearly 400 miles per year. The amount of construction rose to 463 miles in 1902 and 1903, but declined in 1905 to 209 miles. It reached a maximum for the past twenty years during the year ending June 30, 1907, when 517 miles were opened. The panic of October, 1907, did not prevent the completion of the mileage already graded, but it almost completely put a stop to all new enterprises where grading had not been commenced. In spite of this setback, however, the new mileage for the year ending June 30, 1908, amounted to 325.84. The total mileage in the State for that date was 12,901.40 miles, not including some 250 miles of logging roads not classed as common carriers, and 112 miles of interurban electric railway. The thirteen thousand mile mark was passed about November 1, 1908. Although this is a greater mileage than is possessed by any other State in the Union, the fact is not one of particular significance when the size of the State is kept in view.

The following table gives the number of miles of railway in operation in 1854, with the increase in mileage for each year.[2]

Year	*Miles in Operation*	*Increase*
1854	32	—
1855	40	8
1856	71	31
1857	157	86
1858	205	48
1859	284	79
1860	307	23
1861	392	85
1862	451	59
1863	451	—
1864	451	—
1865	465	14
1866	471	6
1867	513	42
1868	513	—
1869	583	79
1870	711	128
1871	865	164
1872	1,078	213
1873	1,578	500
1874	1,650	72
1875	1,685	35
1876	2,031	346
1877	2,210	179
1878	2,428	228
1879	2,591	168
1880	3,244	653
1881	4,913	1,669
1882	6,009	1,096
1883	6,075	66
1884	6,198	123
1885	6,687	489
1886	6,925	238

[2] The figures in this table are taken from two sources. Those prior to 1891 were compiled by Mr. R. A. Thompson, Engineer to the State Railroad Commission. See his article in *Transactions Texas Academy of Science, 1900,* p. 78. The remaining figures are taken from the annual reports of the Railroad Commission. It will be noted that Mr. Thompson's figures do not exactly agree with those given in the text for the period prior to the war and for the year 1870, based on the quotations from Governor Davis's messages. The apparent decrease after 1891, is due to the fact that the Commission eliminated several logging roads that Mr. Thompson had included in the figures for 1890. Mr. Thompson's figures show an increase of 92 miles for 1891.

Year	*Miles in Operation*	*Increase*
1887	7,889	964
1888	8,205	316
1889	8,486	281
1890	8,710	224
1891	8,654.15[3]	—
1892	8,816.22	162.07
1893	9,088.21	271.19
1894	9,153.60	65.39
1895	9,290.70	137.10
1896	9,437.71	147.01
1897	9,484.01	46.30
1898	9,540.21	56.20
1899	9,702.07	161.86
1900	9,867.07	165.00
1901	10,153.84	286.77
1902	10,616.93	463.09
1903	11,080.39	463.46
1904	11,536.11	455.72
1905	11,744.98	208.87
1906	12,058.32	313.34
1907	12,575.56	517.25
1908	12,901.40	325.84
1909	13,277.82	376.42
1910[4]	13,819	709
1911	14,326	507
1912	14,941	615
1913	15,284	343
1915	15,569	285
1916	15,656	20
1917	15,739	83
1918	15,917	178
1919	15,922	5
1920	16,050	128
1921	16,120	70
1922	16,092[5]	—
1923	15,861[6]	—
1924	15,852[7]	—
1925	15,955	103
1926	16,071	116

[3] A decrease of 55.85 miles.
[4] The figures since 1910 are from the *Texas Almanac*, 1928.
[5] A decrease of 28 miles.
[6] A decrease of 231 miles.
[7] A decrease of 9 miles.

III. Public Aid to Railway Construction

Probably no people have ever been more liberal than the people of Texas have been in their donations, public and private, to aid in the construction of railways. The people early realized that the great interior region of the State, without railroads, was relatively worthless and that it would remain so unless it could be supplied with transportation facilities. As a result, we find them willing and even anxious to grant the most liberal concession to railway promoters, and when they saw that liberal concessions alone would not secure the roads, we find them contributing generously of whatever resources they had at hand, whether lands, labor, money, or materials of construction. And it was but natural that the people, in their reckless generosity, should in many cases become the victims of selfish and designing individuals and corporations, who wished to speculate in the public lands and grow rich at the expense of others. To these fraudulent schemes, together with the fact that the railroads seemed to the people of that period to repay their generosity with exorbitant charges and ruinous discriminations, may be traced most of the hostility that at times has made itself manifest in jury box and legislative hall. It was a perfectly natural reaction resulting from the disappointment of the extravagant expectations of those who had contributed. Every railway enterprise was expected to make the desert blossom as the rose, and when the rose seemed slow in unfolding its petals the contributing public became bitter and blamed it all on those who were managing the railways. It was the same reaction that manifested itself in the Northwest as the "Granger Movement," and has manifested itself wherever similar conditions have prevailed.

One of the most usual forms of aid to railway building comes in the shape of donations from private individuals. The business men of the towns raise bonuses in money and grant lands for stations and shops, while the people along the route are expected to donate the right of way across their lands. This form of aid was commonly practiced in all parts of the country and is still much in vogue in Texas and other parts of the Southwest. It is impossible to estimate the amount of the aid in this form the railroads of Texas have received, but it certainly formed a considerable fraction of the original cost of construction.

The object of the present discussion, however, is to give an account of the aid granted by public authority as distinguished from donations made by private individuals or commercial bodies. The most important form of public aid given to the railways in Texas was undoubtedly the grants of land that were made from the public domain. Other forms of public aid were: (1) aid by counties and cities; (2) loans from the permanent school fund; and (3) grants of money or bonds by the State government. These forms will be consid-

ered in the order named before an account is given of the grants of public land.

1. Aid by Counties and Cities

The first railway companies chartered in Texas were granted very liberal charters, many of them including the right to issue notes to circulate as money. No public aid was extended to them, however, but, on the contrary, in the case of the Texas Railroad, Navigation and Banking Company, the promoters were required to pay a bonus to the State for their privileges and to pay for the right of way across the public lands. After a dozen or more companies were granted liberal concessions but had forfeited their charters one after another without being able to raise funds enough to begin the work of construction, the statesmen of that period began to realize that the population was too sparse and free capital too scarce to bring about an early development of railway facilities. They, therefore, did just what was being done in many other States of the Union; they provided for the sale of the public credit in the shape of county and city bonds in order to secure funds for railway construction.

The first act providing for the use of county and city bonds for railway construction was the act chartering the San Antonio and Mexican Gulf Railroad, passed September 5, 1850. It allowed any county or incorporated town along the proposed route upon a vote of two-thirds of the taxpayers to subscribe to the capital stock of the company to an amount not exceeding $50,000. City or county bonds were to be issued to pay for the railway stock subscribed for and a special tax was to be voted to pay interest on the bonds and create a sinking fund. Any dividends received on the railway stock should be applied to the sinking fund. Under this act the City of San Antonio and Bexar county, in which San Antonio is located, each voted $50,000 of bonds. The road was built from Lavaca to Victoria, twenty-eight miles, so the subsidy amounted to $3,571 per mile. As the road was not built to San Antonio, the city refused to pay the interest on the bonds, but President Jones brought suit and the bonds were held to be valid and the city was forced to pay.

Several other roads, incorporated during the next few years, were given power to receive subsidies from cities and counties, but no subsidies were granted. In 1869, a great impetus was given to this form of public aid, as a result of the fact that grants of public lands, which had been mainly relied upon by the railways, were forbidden by the Constitution adopted in that year. In 1871, a general law was passed allowing any county, city or town to donate or subscribe bonds to aid in railway construction. The following is an incomplete list of the cities and counties that voted bonds to railroads under the terms of this act:

CITIES

Date of Issue	*City*	*Railroad*	*Amount*
April 30, 1873	Tyler	Houston & Great Northern	$50,000
Feb. 12, 1874	Sherman	Texas & Pacific	84,000
April 24, 1874	Dallas	Texas & Pacific	100,000
June 6, 1876	Waxahachie	Houston & Texas Central	63,000

COUNTIES

Date of Issue	*County*	*Railroad*	*Amount*
.....	Bexar	Galveston, Harrisburg & San Antonio	———
.....	Brazoria	Houston Tap & Brazos	$100,000
1875	Galveston	Gulf, Colorado & Santa Fe	500,000
1872	Smith	Houston & Great Northern	200,000
1873	Anderson	Houston & Great Northern	150,000

From these incomplete figures it seems that the cities of the State, including the earlier grant by San Antonio, issued bonds to the amount of $347,000, and the counties, including Bexar county's early grant, to the amount of more than $1,000,000.

This form of aid was condemned by the Democratic party and when it came into power again, in 1874, an act was passed repealing the law of 1871, under which these bonds were issued. The next year, when the present Constitution of the State was drafted, a clause was inserted which prohibits the Legislature from authorizing any "county, city, or town . . . to lend its credit or to grant public money . . . to any individual, association, or corporation . . . or to become a stockholder in such association or corporation." This provision practically put an end to this form of public aid, though it seems that there were a few attempts made to evade the plain import of this clause. Thus, in 1879, the town of Brenham issued twelve thousand dollars of negotiable bonds and used the proceeds in the purchase of right of way and depot grounds for the Santa Fe Railway. These bonds were subsequently held to be void, but the decision did not affect the railway's title to the lands. The town of Cleburne also granted lands for right of way and depot to the Santa Fe Railway, and the Supreme Court of Texas held the scrip issued to make the last payment on the lands to be void.

2. Loans from the Permanent School Fund

In 1850, Texas surrendered her claim to the portion of New Mexico east of the Rio Grande and accepted her present boundaries. In return she received from the Federal Government $10,000,000 in United States bonds. Two million dollars of this amount was set

apart as a permanent school fund, the interest being distributed among the counties and used in the support of the schools. As the bonds were maturing and being paid off, the money began to accumulate in the State Treasury and the schools suffered the loss of the interest. It was, therefore, desirable to find some method of investing the money, which would be safe and would yield a return to the school fund. At the same time the railways were greatly in need of ready cash. They had lands and labor in many cases, but they found it extremely difficult to raise enough money to pay for ties and rails and rolling stock. It was, therefore, proposed that the State lend the school fund to the railway companies, and take a first lien on the roads as security.

Accordingly an act was passed in 1856, providing that when a railroad company could show a continuous section of twenty-five miles or more completed and ready for the rolling stock and another like section graded and ready for the rails and ties, it should be entitled to receive money from the public school fund to the amount of $6,000 for every mile actually completed. In return the company was required to execute its bond to the State for the amount of money received, and to pay thereon eight per cent per annum, six per cent as interest to the State and two per cent to create a sinking fund for the retirement of the bonds at maturity. The act created a board of school commissioners composed of the Governor, the Comptroller, and the Attorney General, and provided for the appointment of a competent engineer to inspect the roads and see that they were constructed in a "good and substantial manner."

Under the terms of this act loans were made from the school fund to six companies, the loans being made either in United States bonds or in money. No loans were made after the Civil War. The following table shows the amount loaned to each company:

Houston and Texas Central	$450,000
Buffalo Bayou, Brazos and Colorado	420,000
Texas and New Orleans	430,000
Houston Tap and Brazoria	300,000
Southern Pacific (Texas and Pacific)	150,000
Washington County Railroad (H. & T. C.)	66,000
Total	$1,816,000

. . . . . .

Opinions have differed widely as to the wisdom and success of this policy of lending the school fund to the railways. One writer says:

> It proved a miserable failure. While doubtless advantageous to the railroads, it was very disadvantageous for the State. Doubtless it contained some elements of merit, but the enormous loss that accrued to the school fund is

eloquent testimony to the fact that not all finely conceived theories work out in practice.

On the other hand Governor Hogg thought well enough of the system to advocate a law providing for the investment of the school fund in the first mortgage bonds of railways. In his speech at Wills Point, April 22, 1892, in opening his campaign for renomination as Governor, he said that the State loaned $1,816,000 and had received up to that date $3,102,000 as principal and interest, while other amounts were still due. He said:

> With the wreck of war, involving the desolation of homes, waste of fortunes and repudiation of public and private obligations, there were few or no securities that survived except these very railroad bonds in which the school fund had been invested. There was less loss to the school fund from that investment than from any other securities, either public or private, known to the authorities of the State.

3. *Aid by Grants of State Bonds*

During the period of active railway construction in this country it was a common practice for the States, and even the Federal Government, to lend their credit to the railway companies by donating public bonds, or by guaranteeing the interest and principal of bonds issued by the companies themselves. Sometimes the companies were required to repay the sums advanced, as was the case in the Federal loans to the Union Pacific and the Central Pacific, while in other cases the amounts advanced were donations pure and simple. Especially reckless was the financiering of this kind in the Southern States during the period of reconstruction, and most of these States came out of those stressful times with crushing loads of debt that made repudiation justifiable, if it may ever be justified. Texas, more by chance than otherwise, escaped from the most irksome burdens that were saddled on the other States that joined the Confederacy.

The first proposition for the lending of the State's credit to railways occurs in the Constitution of 1866, where the Legislature is authorized to guarantee the bonds of railways to the amount of $15,000 per mile, provided the company had graded twenty-five miles. No act for putting this provision into practice was passed by the Legislature, and it was omitted from the Constitution framed and adopted by the Congressional Reconstructionists in 1869.

As the Constitution of 1869 prohibited further grants of land to railway companies, and as about this time there was a revival of interest in railway construction, the Legislature for the next few years was deluged with applications for grants of State aid in the form of money or bonds. Governor E. J. Davis adopted a sane attitude on the subject and did what he could to stem the tide. In his message to the Legislature in 1870 he said: "I am led to believe that great

caution will be necessary to avoid encumbering our State with weighty debt, created in furtherance of the many schemes for private advantage, but calling for State aid, that will be forced upon you in the name of internal improvements." He opposed all pledges of the State's credit, but thought that if the Legislature was determined to make grants to any enterprise it should be to a road that would connect Austin with the roads entering the State along the north-eastern boundary.

In spite of the Governor's advice, two acts were passed granting many millions of State bonds to two railway enterprises, the one to secure a road along the line suggested in the Governor's message and the other to secure the speedy construction of a road across the northern part of the State to the Pacific coast. The former act was passed, August 5, 1870, "to incorporate the International Railway Company, and to provide for the aid of the State of Texas in constructing the same." It provided for the construction of a road from a point on the Red River, opposite the town of Fulton, Arkansas, to Laredo, on the Rio Grande. It then continues:

> In order to secure and promote the rapid construction of said railway, and thereby afford cheap and necessary facilities for immigration into the State . . . the State of Texas consents, binds, and obligates itself to donate, and hereby grants to said company the bonds of the State of Texas to the extent and amount of ten thousand dollars per mile, for each mile of said railroad constructed under this charter.

The bonds were to run for thirty years and bear interest at the rate of eight per cent. They were to be signed by the Governor and Treasurer and countersigned and registered by the Comptroller, and then issued when proper proof should be made that twenty miles had been completed in a "thorough and substantial manner."

The company organized under this charter and on November 25, 1871, notified the Governor that fifty-two miles had been completed and thirty-three more graded, and made formal application for the bonds due on the first fifty miles. The bonds to the amount of $500,000 were prepared and signed by the Governor and the Treasurer and were then presented to the Comptroller, A. Bledsoe, to be registered and countersigned by him. He refused to sign the bonds on the ground that the law was unconstitutional on account of the use of fraud in securing its enactment. The railroad company then instituted *mandamus* proceedings to compel him to sign them, but the Texas Supreme Court held that the proceedings could not be sustained and ordered the case dismissed.

In the meantime the matter was settled in 1875 by a compromise. An act was passed, recognizing the State's indebtedness to the railway company—now combined with the Houston and Great Northern Railroad Company, under the name of International and Great North-

ern Railroad Company—but offering, as a substitute for the bonds, twenty sections of land for every mile built or to be built under the act of August 5, 1870, together with an exemption from taxation for a period of twenty-five years. The company decided to accept the land and tax-exemption and the honor and credit of the State were saved. The company did not receive lands on the portion of its line between Austin and Laredo, because it failed to construct it within the time limited in its charter.

The other act granting State bonds to railways was entitled "An act to encourage the speedy construction of a railway through the State of Texas to the Pacific Ocean," and was passed over the Governor's veto, May 24, 1871. It granted a total of $6,000,000 in eight per cent bonds to be divided equally between the two companies that were then engaged in an effort to build a Pacific railroad, the Southern Pacific, projected from Longview westward through Dallas, and the Southern Transcontinental, projected from Texarkana westward just south of the Red River. The two roads were to form a junction at some point west of the eastern boundary of Shackelford county and form one line from there westward. No bonds were to be issued until both roads were completed to the junction point. If the Constitution of the State should be changed so as to allow the Legislature to grant lands to railway companies, then any future Legislature should have the power at its own option to grant to the companies twenty-four sections of land per mile of road instead of the bonds. Finally it was provided that the Texas Pacific Railroad Company, chartered by act of Congress, March 3, 1871, should succeed to all the rights and privileges granted by the act to the two companies mentioned, should it consolidate with them, as was then contemplated.

The passage of this measure, along with the International Railroad bond muddle, provoked an outburst of popular disapproval and charges of fraud and corruption were freely bandied about. Governor Coke in his second annual message to the Legislature, in 1875, says that the original International bond act, "by common consent and admission was carried through the Twelfth Legislature by the most unblushing bribery." As a result of this agitation an amendment to the Constitution was adopted, allowing the Legislature to make grants of land to railway companies, provided not more than twenty sections per mile should be so granted. To the Texas and Pacific Company, which had now succeeded to the rights of the other companies under the former act, was granted twenty sections of land per mile of road instead of the bonds of the State. When the present Constitution of the State was drafted in 1875, a provision was inserted stating that the "Legislature shall have no power to make any grant of public money to any individual, association of individuals, municipal or other corporations whatsoever."

Thus terminated this form of State aid. Fortunately the State

escaped without any bonded indebtedness resulting from the reckless attempts to lend the State's credit, though bonds to the amount of twelve or fourteen millions had been voted by the Legislature.

4. *Aid by Grants of Public Lands*

Texas, it will be remembered, reserved her public lands for her own use when she entered the Union in 1845. All the other States, except the original thirteen, were carved out of the national domain and the unoccupied lands within their borders remained the property of the Federal Government. Texas is, therefore, the only one of the new States that has had a public land question to solve, and her history in this particular is unique. It hardly need be said that her vast public domain has been a most valuable asset, furnishing her the sinews of war in times of danger, attracting immigrants to her borders, supplying an inducement for the early development of her transportation facilities, and finally endowing handsomely her schools and her charities. An account of the management of these public lands, when properly written, will make an important chapter in the State's history. No more can be attempted here than to give a very brief sketch of the use the State has made of her lands in aiding the development of transportation facilities.

The history of the land grant policy in Texas covers a period of thirty years, beginning with the first grant made in 1852 and ending with the repeal of the land grant act of 1876, in 1882. During this period the railroads of the State received a total of 24,453,000 acres of land, or more than 38,000 square miles, an area larger than the State of Indiana. The distribution of this vast body of land among the forty-one companies entitled to it, the recording and plotting of the field notes, the issuing of patents, the preventing of fraudulent locations, and the adjustment of conflicting claims between the companies and the immigrants who were constantly settling upon the lands, involved an administrative problem without a parallel in any State of the Union, and equalled only by the Land Department of the Federal Government.

The history of land grants in Texas divides itself into five periods, as follows:

1. The first period of special land grant acts, 1852–1854.
2. The period of the first general land grant act, 1854–1869.
3. The period of prohibition of land grants, 1869–1873.
4. The second period of special land grant acts, 1873–1876.
5. The period of the second general land grant act, 1876–1882.

The first grant of land by the State of Texas to aid in railway construction was made in the charter of the Henderson and Burkville Railroad, approved February 10, 1852, though prior to this time

a few roads had been given a right of way across any unoccupied public lands. By the terms of this act, when the company had completed five miles or more, the Comptroller could require the State Engineer, or a commissioner to be appointed by the Governor, to examine the road, and, upon this officer's report that the road was satisfactory, the Comptroller was to notify the Commissioner of the General Land Office, who was required to issue land certificates to the amount of eight sections of 640 acres each for every mile of road completed. These certificates could be located on any vacant public lands within one year from the time they were issued. The lands so acquired were to be alienated, one-fourth within six years and one-fourth within each period of two years thereafter until all were sold.

On February 14, 1852, a charter was granted to the Texas Central Railroad Company. It contained the same land grant provisions as the Henderson and Burkville charter with the additional provision that as soon as the route of the road should be designated by survey or otherwise, all the vacant public lands for three miles on each side should be reserved from settlement. As fast as the road should be built, this reserved area was to be surveyed into blocks fronting one mile on the road and extending three miles back. The alternate blocks were to be reserved for the State, while the company might locate its certificates on the remaining blocks. Similar grants were made to all roads chartered from this time up to the passage of the general land grant act in 1854. Of the nineteen grants thus made, only two resulted in the construction of the required mileage so as to secure the lands.

On January 30, 1854, the principles evolved during the period of special grants were enacted into a general law, entitled "An act to encourage the construction of railroads in Texas by donations of lands." In brief, it provided that whenever a company had completed a section of twenty-five miles of road in a manner acceptable to a competent engineer, to be appointed by the Governor to make an inspection, it should be entitled to receive sixteen sections of land of 640 acres each. The land was to be surveyed by the company, at its own expense, in double the amount it was entitled to receive, the alternate sections so surveyed to remain the property of the State. To secure lands for mileage constructed after the completion of the first section, the company was required to complete at least twenty-five miles in every period of two years. The lands were to be alienated by the companies, as in the case of the Henderson and Burkville road. The act was to continue ten years.

With all the seeming liberality on the part of the State, construction proceeded very slowly and the people became more anxious for railway facilities. So, in 1856, we find the Legislature extending further aid by loans from the school fund. And still construction

lagged. Accordingly, an act was passed allowing the roads to receive a portion of their land—four sections to the mile—as soon as ten miles should be graded and made ready for the ties, and finally ten sections were to be advanced as soon as five miles were so graded.

The act was to have expired in 1864, but it was twice extended, which would have kept it alive until 1876, if it had not been rendered null by the prohibition of land grants inserted in the Constitution of 1869. This closed the period of the first general land grant act. During the period forty new companies were chartered, but only nine completed sufficient mileage to secure the benefits of the act. Some five hundred miles of weak and disconnected railway seems to have been the total result of all the generosity and fostering care bestowed upon the railroads by the people of Texas and their legislative agents.

The Congressional Reconstructionists, who were in charge of the State government after 1867, adopted a rigorous attitude toward the companies indebted to the school fund and ordered several of them sold under the sheriff's hammer to satisfy the State's claims. They also looked upon the use that was being made of the public domain as profligate, and, as a result, they wrote into their Constitution adopted in 1869, a prohibition of land grants to railways. Yet the Legislature that met the next year has always been regarded as the most corrupt and profligate legislative body that has ever assembled in Austin. This Twelfth Legislature was the one that granted State bonds to the International Railway and to the Southern Pacific and the Southern Transcontinental railway companies, as already explained. To escape the burdens of these acts the people proceeded to amend the Constitution so as to allow the Legislature to continue the settled land grant policy. During this period of prohibition thirty-one companies were chartered and nine carried on the work of construction. Of the nine, one received lands by virtue of prior legislation and seven by virtue of subsequent legislation.

With the inauguration of Governor Coke in 1874, the Democratic party returned to power and the land grant policy was resumed. In his first message Coke said:

> The policy of Texas has been, since 1850, to encourage the construction of railroads by granting land subsidies. The wisdom of the policy has been vindicated by the results. . . . I recommend the utmost liberality of dealing with them. They are a necessity for Texas. The wealth of the vast interior of Texas can only be reached through them.

He urged that grants of lands be reserved for roads proposing to build into the unsettled portions of the State, lest the public domain should become exhausted and these areas be left without means of communication. But this suggestion seems not to have been acted on.

During the next three years a number of special acts were passed granting lands to railways, all substantially adhering to the principles

laid down in the general law of 1854, and limiting the grants to sixteen sections to the mile, except the two compromise acts substituting lands for bonds in the case of the International and Texas and Pacific roads. These companies received twenty sections per mile. During this period of three years forty-two companies were chartered, twelve new roads were constructed in part, and ten of them received lands by virtue of the special acts.

Up to this time all railways were incorporated by special act of the Legislature and this gave rise to much lobbying and undue influence by railway promoters who might be seeking special favors. To get rid of this evil the Constitution of 1876 provided that all railway charters should be issued in accordance with a general law and all grants of land should be made by a general law. Accordingly the Legislature in 1876 passed a general railroad incorporation act and a general land grant act. The land grant act provided that railroad companies when they could show a section of ten miles completed should receive sixteen sections to the mile of completed road. The land must be alienated, one-half in six years and the other half in twelve years, under penalty of forfeiture.

Under these acts sixty-seven companies were chartered prior to the repeal of the land grant act in 1882. Of this number only nineteen constructed their roads, and only twelve received lands. But by 1882 the State had made provision for granting about four times as much vacant land as it had other than the one-half set aside by the Constitution as school land, and had actually issued certificates for nearly eight million acres more than it possessed. Under these circumstances, an act was passed, April 22, 1882, repealing all laws granting lands to persons for the "construction of railroads, canals and ditches."

With the passage of this act the policy of extending public aid to railway construction came to an end.

The following table shows the forty-one companies that received lands and the number of acres received by each company:

Railroads	*Acres*
Buffalo, Bayou, Brazos and Colorado	887,021
Houston and Texas Central	4,764,160
San Antonio and Mexican Gulf	264,898
Houston Tap and Brazoria	500,480
Washington County Railroad	236,160
Texas and New Orleans	1,226,880
Eastern Texas Railroad	291,840
Memphis, El Paso and Pacific	258,399
Southern Pacific	562,560
Texas and Pacific	5,167,360
Indianola Railroad	171,520
Galveston, Houston and Henderson	610,560

Railroads	*Acres*
Columbus Tap	49,280
International and Great Northern	3,331,200
Houston and Great Northern	2,307,200
Waco and Northwestern	481,480
Galveston, Harrisburg and San Antonio	1,432,960
Gulf, Western Texas and Pacific	299,520
Dallas and Wichita	411,520
Tyler Tap	458,240
Western Narrow Gauge	428,160
Gulf, Colorado and Santa Fe	3,259,520
East Line and Red River	1,164,160
Galveston, Brazos and Colorado Narrow Gauge	157,440
Corpus Christi, San Diego and Rio Grande Narrow Gauge	855,680
Henderson and Overton	143,360
Houston East and West Texas	787,840
Longview and Sabine Valley	108,800
Denison and Southeastern	214,400
Georgetown Railroad	98,560
Central and Montgomery	263,040
Denison and Pacific	426,240
Waxahachie Tap	113,920
Texas Central	1,471,360
Missouri, Kansas and Texas Extension	272,000
Texas and St. Louis	942,080
Texas Trunk	107,520
Texas Mexican	556,800
Chicago, Texas and Mexican Central	225,280
Austin and Northwestern	382,720
Rusk Transportation	76,800

Total number of acres patented was 35,768,718, but this includes a large amount of land that has since been recovered from the companies.

5. *Results of Public Aid*

It is very difficult to arrive at any definite conclusions in regard to the results of the State's policy of extending public aid to railways. That it hastened railway building in the State may safely be assumed. There were no roads in the State when the policy was first adopted, and about six thousand miles when it was abandoned. How much earlier the railway system was developed than it would have been developed without State aid is a matter of mere conjecture. But the population was so sparse in 1860 and 1870 that it would have been very difficult for a road to build and maintain itself without outside help. As shown elsewhere, nearly one-half of the money expended

by the Buffalo Bayou, Brazos and Colorado prior to the Civil War, came from the sale of its lands and from the loans it received from the school fund. Even in 1880, the population of the State showed an average of fewer than six persons to the square mile, and the largest cities, separated by long stretches of sparsely settled territory, contained a population of not more than twenty or twenty-five thousand.

Under such conditions it is reasonably certain that without State aid railway construction would have gone forward much more slowly than it did during the period from 1870 to 1882. It is probable that the great decrease in the mileage constructed, from 2,765 miles during 1880 and 1881 to 189 miles in 1883 and 1884, was due in large measure to the repeal of the land grant act on April 22, 1882. The largest mileage constructed in any one year under the stimulus of the land grants was 1,669 in 1881. The largest mileage since the repeal of the land grant act was 964 miles in 1887.

There has been much difference of opinion in regard to the value of the lands in helping the railway companies construct their lines. It is frequently said that the State practically built the railways. On the other hand it is pointed out that there were so many land certificates issued to soldiers and settlers, to canal and ditch companies and to turnpike and bridge companies, that they were bought and sold on the market at a very low price, often at only twenty or thirty cents an acre. In addition the companies had to pay the expense of locating, surveying, and plotting, not only their own lands, but an equal amount for the State, and then pay into the treasury ten dollars in fees for every section patented. The cost of locating and surveying was so heavy that, it is said, it was not uncommon for the surveyors to demand one-half of the land for locating the other half. Up to June, 1877, the Texas and Pacific Railway Company had expended $233,000 in surveying its own lands and the State's alternate sections, had paid into the treasury $80,400, had surveyed and sectionized for the State more than five million acres of school land at an estimated saving to the State of $120,000, but had been able to market less than one thousand acres of the lands granted to it. The fact that the companies were required by law to alienate their lands within limited periods of time forced them into the market in competition with each other and prevented them from holding the lands until a fair price could be obtained.

From the standpoint of the State the land grant policy was probably not an unwise one, though many abuses crept into the system during its continuance. In the first place it undoubtedly aided the State in securing a fairly efficient system of transportation facilities at a date much earlier than if no public aid had been extended. In the second place it greatly aided in the settlement of the State and the development of its natural resources. The stream of immigra-

tion always flows along the lines of least resistance, which, in a region without water communication, means along the railway lines. The railways, too, having lands to sell along their routes, and realizing that a heavy traffic is impossible without a dense population, became immigration agents for the State and helped greatly to swell its numbers. The entire urban population of the State is clustered in the cities and towns, which are strung along the railway lines like beads on a string. This is true, not because the railways built to the cities, for there were few cities before the coming of the railways, but because the cities built to the railways. With the increase of population came a more than corresponding increase in the tax rolls and the fiscal resources of the State, while the increased demand for lands has added millions to the value of the lands set apart for the schools.

Another supposed benefit received by the State was the surveying and sectionizing of the public lands, which was done by the railway companies without expense to the State. This, however, seems to have been of very doubtful benefit, or even actually harmful, for many of the surveys were so poorly made that they have been a constant source of uncertainty and litigation. Under a statute passed in 1887 more than nine million acres had been resurveyed prior to 1890 at a cost to the settlers of over $200,000, while since 1900 a large number of resurveys have been necessary to quiet "the trouble and turmoil" resulting from the poor work done by the railway surveyors of an earlier period.

Another abuse of the system, that practically amounted to fraud on the part of the railway companies, was their failure or refusal to alienate their lands as was required by law. The temptation to hold the lands was very great, for every year added to their value; and while they were held they could be used as security for loans obtained in the financial centers of Europe, where land security was highly esteemed. The sales of land, therefore, were often mere colorable transfers to officers of the company, intended to comply with the letter, but not the spirit of the law. A favorite scheme was the organization of a land company to take over the lands and manage them in the interest of the company or its creditors. Such a company was the New York and Texas Land Company, Limited, of Austin, which took over the entire land grant of the International and Great Northern Railway, amounting to 3,331,200 acres, to manage it in the interest of the holders of the old company's second mortgage bonds. As the law requiring the alienation of the lands did not apply to these land syndicates, they could hold the lands indefinitely and retard the settlement of the State. To eradicate this evil, the Legislature in 1893 passed a law declaring that the "unrestricted ownership of lands in this State by private corporations is a perpetuity, and is prohibited," and requiring the alienation of the lands within a period of fifteen years.

In spite of abuses on the part of the railways and of reckless generosity on the part of the people and the Legislatures, Texas may fairly be congratulated on the results of the public aid she extended to railway construction. Few of the cities and counties have been very seriously burdened on account of the bonds they voted to the railroads. While the school fund suffered the loss of interest on the loans to the railways for a number of years, it came out with comparatively small ultimate losses. Although millions of State bonds were voted by the Legislature, none were actually issued, and the name of the State was not tarnished by the repudiation and bankruptcy that overwhelmed so many of the States of the West and South, as a result of their attempts to aid works of internal improvement. And, finally, the State has transferred to the tillers of the soil the ownership of a splendid public domain, and in the process of doing so has founded her charities and colleges, magnificently endowed her common schools, and secured the early construction of a transportation system which exceeds in mileage that of any other State of the Union.

CHAPTER XLIII

SOME ASPECTS OF THE HISTORY OF WEST AND NORTHWEST TEXAS SINCE 1845

By R. C. Crane

[This selection is from *The Southwesterly Historical Quarterly,* XXVI, 30–43. See: Rupert N. Richardson, "Some Details of the Southern Overland Mail," in the same *Quarterly,* XXIX, 1–18; Lucy A. Erath, "Memoirs of Major George Bernard Erath," in the same *Quarterly,* XXVI, 207–233, 255–279, XXVII, 27–51, 140–163; Carl C. Rister, *The Southwestern Frontier, 1865–1881* (A. H. Clark Company, Cleveland, 1928), particularly the last three chapters—Problems of Frontier Life, Influence of the Cattle Industry on the Frontier, and Building of Railways, pages 241–307.]

While West and Northwest Texas were settled and developed after Texas had ceased to be a republic and had become a state of the Union, yet that settlement and development came under conditions and policies inherited from the republic.

The fixed and almost uniform policy of the people of our country from the earliest colonial adjustments with the aborigines had been one of agreement by treaty regarding boundaries and mutual rights and relations. President Sam Houston in his first term had followed that policy for Texas with the result that little trouble was experienced with the Indians in the young republic during that administration; but President Lamar, following him, fixed on Texas for all time the policy of warfare on the Indian and expulsion from Texas, or extermination.

For nearly forty years West and Northwest Texas felt the ill effects of that policy; and the consequent animosity always existing between settlers and Indians in Texas had a marked effect in delaying the settlement and development of those regions of the state specially.

Nearly every other part of Texas was settled under a system of land laws under which the first colonists were granted their homes at the rate of a league to the family and a third of a league to the single person. Several million additional acres were granted for military and other services. Later, settlers were granted smaller tracts conditioned on occupancy.

But the settlement and development of that part of the state in question had its commencement after Texas became a state, and un-

der conditions materially different; and its history (including the Panhandle) is as distinct, and its growth and development especially during the past forty years just as phenomenal as had been that of any other part of the state. By coming into the Union, Texas had a right to look to the general government and its army for protection against the Indian and his depredations. And yet that the history of this region is peculiar to itself, calling for somewhat different treatment; and the fact that the agencies and the army of the United States have had a largely controlling effect in the exploration and the protection of its frontiers, and hence its settlement and development have been, it appears to me, too little realized by those of us interested in the history of Texas. The history of the region is little touched on as a thing worth while, though it contains in area at least one-half of the state, and supports a population several times as great as Texas contained when it came into the Union. Its settlers bought their lands and their homes from the school funds of Texas and from the various railroads and their assignees; lands that had been granted by Texas at the rate of sixteen sections to the mile, in aid of the construction of railroads, nearly all of which were in other parts of the state.

The policy of thus granting public lands in aid of railroad construction commenced in Texas in 1854 and closed with the exhaustion of the public lands in 1882 when the Southern Pacific and the Texas & Pacific Railways were being connected with a Pacific coast line at El Paso. More railroads were needed to settle and develop the country; but railroads needed people and traffic in the region before they could afford to build, and therefore a slow waiting process commenced about 1882 for West and Northwest Texas, and continued for several years.

But going back, the discovery of gold in California had its bearing on these parts of Texas. For it was by reason of gold in California, and the consequent need of finding and making roads for the Argonauts and for military purposes due to the great westward expansion of our nation following the annexation of Texas and its access of territory following the Mexican war, that the discovery was made that West and Northwest Texas covered a vast region well fitted for white settlers to occupy.

The annexation of Texas brought on the Mexican war; and gold being discovered in California immediately after its occupation after peace, brought a flood of immigrants and gold seekers trooping over mountains and plains who must be provided with roads to the new Golconda, and furnished protection while *en route*. Routes for these roads had to be discovered by exploring hitherto unknown regions, and trails and roads had to be made so that they could be traveled.

The years 1849 and 1850 were busy years for the engineers of the army in exploring unknown West and Northwest Texas for roads,

from San Antonio and from Red River to El Paso, there to connect with roads to California. At least two men who rose to distinction during the war between the states—General Joseph E. Johnston and General R. B. Marcy, father-in-law and chief of staff to General Geo. B. McClellan—were engaged in this work, General Johnston from San Antonio and General Marcy from Red River.

In the nature of things these regions being occupied or infested by hostile Indians, the exploration of the country and its resources greatly depended on the efforts put forth by the agencies of the general government; and the discovery of many of the mineral resources of Texas has been the result of those efforts and explorations. But with the rush of gold-seekers to California the need became urgent for roads that could be traveled the year round, free from the dangers and difficulties incident to the trails further north across mountains and plains. This gave to West and Northwest Texas the chance to be discovered.

In the territory of the United States as it existed prior to the annexation of Texas and the Mexican War, there were sixty-three military posts in the whole country. In the year 1851 after the gain of territory greater than was contained in the organized states and territories in the whole country before the two events mentioned, there were one hundred and nine military posts, forty-six of which were in the newly acquired territory, the great bulk of which was unsettled and infested with Indians more or less hostile. Nineteen of these posts were in Texas—mostly in West and Northwest Texas. The army had been increased from something over 8,000 men to less than 13,000, an increase not nearly in proportion to the increased needs and demands on it, incident to the vast increase in territory to be covered and protected. Repeatedly did the generals of the army call attention of Congress to the insufficiency in the numbers of the men of the army to afford efficient frontier protection, but usually with little notable effect.

When Texas was admitted to the Union, the extreme western posts were located at Fort Jessup, in Louisiana; Forts Towson, Washita and Gibson, Indian Territory; Forts Scott and Leavenworth, in Kansas; Forts Atkinson and Snelling, in Minnesota, and Fort Wilkins, on Lake Superior. In 1849 there was a chain of United States Army forts across Texas, running from Fort Duncan on the Rio Grande, by Fort Marvin Scott at Fredericksburg, Fort Croghan in Burnet County, Fort Gates in Coryell County, Fort Graham in Hill County on the Brazos, and Fort Worth in Tarrant County.

Several of these had just been established, but as a result of a survey of "Western Texas" made in the fall of 1849 by Lieutenant Whiting, between that time and 1853, the imaginary line between Texas belonging to the white man, and Texas given over to the

Indian, was moved westward, and Forts Marvin Scott, Croghan, Gates and Worth were abandoned, and Forts Belknap, in Young County, and McKavett, in Menard County, Mason, in the county of the same name, Chadbourne, now in Coke County, Phantom Hill, in Jones County, and Stockton, in Pecos County, were established, in addition to several other posts on the Rio Grande.

According to the United States Quartermaster General of the army in 1851 there was not then in all of Texas, New Mexico, California or Oregon, a steamboat line, or a railroad, or even a turnpike road, and all transportation over nearly the whole region west of the Mississippi River was by the slow moving wagon train, drawn by oxen or mules. When supplies had to be gotten to the new frontier forts, in Texas and elsewhere, the increase in the cost of transportation was so great as to alarm the officers of the army; and thereupon this cost problem was investigated.

Fort Leavenworth had steamboat navigation on the Missouri River, and had been a frontier fort before the Mexican war. Indianola was then the leading port on the Texas coast. The army conducted a series of experiments from Indianola and from Fort Leavenworth to El Paso and the forts of New Mexico, by regular army wagon trains and by contract, and ascertained that the cost was about the same either way, and found that the cost of transporting army supplies between these points amounted to about $22 per hundred pounds. A large part of this cost, where done by contract, was incident to furnishing military escort and protection through the Indian infested country traversed, which was necessary.

Again, roads had to be found and made by the men of the army, for this army transport traffic, between posts, and for all other needed purposes. High army officials recommended that all of the cavalry be stationed in Texas and New Mexico, and repeatedly called attention to urgent need for more cavalry for the frontiers of Texas. Finally just before the war between the states another cavalry regiment was added by Congress and stationed in Texas, with Robert E. Lee as colonel; W. J. Hardee, lieutenant colonel, and Earl Van Dorn and George H. Thomas as majors.

But this moving back of the imaginary frontier line by the establishment of the outer line of forts mentioned did not take place until Captain R. B. Marcy had in 1849 made his pathfinding expedition from Fort Smith, Arkansas, westward through what is now Oklahoma, and the Panhandle of Texas to Santa Fé, New Mexico, and, returning, had logged the Marcy trail from El Paso, Texas, to Preston, on Red River near the present city of Denison, along the general route later followed by the construction of the Texas & Pacific Railroad. Such a route and such a trail up to that time were thought to be impossible; and only through the aid of the noted Delaware Indian guide, Black Beaver, who knew the wild, uninhabited (ex-

cept by roving bands of Indians) country traversed, were they made possible.

In his outward journey, in crossing the plains, Captain Marcy kept to the south of the Canadian River, and from his account evidently passed through Hemphill, Roberts, Hutchinson, Carson, Potter, and Oldham Counties. His description of his first view and impression of the plains becomes of interest in view of the subsequent development of that region. Under date of June 14, 1849, in his log book, Captain Marcy says: "Leaving camp early this morning, we travelled two miles on our course when we encountered a spur of the plain running too far east for us to pass around; and finding a very easy ascent to the summit, I took the road over the plain. When we were upon the high tableland, a view presented itself as boundless as the ocean. Not a tree, shrub or any other object, either animate or inanimate, relieved the dreary monotony of the prospect—it was vast, illimitable expanse of desert prairie—the dreaded Llano Estacado, or, in other words, the great Sahara of North America. It is a region almost as vast and trackless as the ocean—a land where no man, either savage or civilized, permanently abides; it spreads forth into a treeless, desolate waste of uninhabited solitude, which always has been and must continue uninhabited forever; even the savages dare not venture to cross it except at two or three places where they know water can be found."

Captain Marcy could not then foresee that in 1919 the counties which he was traversing would produce nearly 2,500,000 bushels of wheat, and in 1920 would contain nearly 30,000 people. On this first day on the plains, he "made a long drive of twenty-eight miles on a perfectly hard and smooth road, with no ill effects" to his animals.

When Captain Marcy had finished logging his trail from El Paso to Preston, on Red River, he gave unqualified endorsement to its practical utility, and expressed his belief that a large part of the country was capable of great agricultural development. He professed familiarity with the mountain routes to California, and claimed that his route was better in every respect than the mountain trails across the continent.

Straightway after the logging of this new trail emigrant travel to the Pacific coast set in over it, and Forts Belknap, Cooper, Phantom Hill, and Chadbourne were established on or near it for the protection from Indians of this travel and of the expanding waves of settlers from other portions of the state in search of new homes.

In January and in September, 1850, the Legislature of Texas passed strong resolutions calling on the United States government to place adequate armed forces on the borders of Texas to protect the lives and property of its citizens from marauding Indians, asserting that the state had a right to expect this under the terms of annexation.

In 1851 several tribes of Indians, numbering in all something like 1,200, were settled in peaceful agricultural pursuits on the Brazos, in Young County. These included the Caddos, Keechies, Wacos, and Delawares. In that year Colonel Cooper, later adjutant of the army, and Colonel Hardee made visits to these Indians and left descriptions of the trips and of the situation and conditions of the Indians.

In 1854, for the first time, Texas agreed through its Legislature to the settlement of her resident Indians on reservations, and in that year passed a law providing for the survey by the United States of twelve leagues of land, giving jurisdiction over the same to the general government, with authority to establish and maintain Indian agencies, military posts, etc. And thereupon Captain Marcy, who was probably one of the government's most dependable explorers and pathfinders, was sent to Texas to make selection of the sites for the reservations thus provided for. This was in the summer and fall of 1854. W. B. Parker was an attache of this expedition, going along for the purpose of collecting all manner of specimens to be found in the country traversed, and he wrote upon his return a detailed account of the trip and its experiences, giving much information about the country traveled over, and its condition, topography, etc.

At least sixteen of the present counties of Texas, mainly in Northwest Texas, were explored by Captain Marcy on this trip, including Cooke, Montague, Clay, Archer, Baylor, Knox, King, Dickens, Crosby, Haskell, Jones, Shackelford, Throckmorton, Stephens, Young and Jack.

The expedition was fitted out at Fort Smith, and the military escort was furnished from Fort Arbuckle. It crossed into Texas at Preston, and traveled westward. It passed through Gainesville, then on the extreme western skirts of the settlements in that part of Texas. Gainesville then contained, according to Parker, five or six log cabins, and had then just been rendered somewhat famous in the annals of storms by a most terrific tornado which had occurred a few months before. Parker gives many interesting details of the storm in and about Gainesville. He says that in an hour's time after leaving Gainesville, Captain Marcy and his expedition passed the last house on his route; and all west of him was then a trackless, uninhabited waste! And not another white person was seen while traversing all of the region covered by the counties named, until the party reached the little frontier fort at Belknap, several months later. The party caught great messes of catfish out of an unnamed creek near the foot of the plains, and thereupon Captain Marcy named it Catfish creek. Other instances of the same character are mentioned.

But he was on the lookout for suitable locations for the Indian reservations he was sent out to find, and finding none to suit him better, he had surveys made in the vicinity of where the Indians were already settled on the Brazos, and on the Clear Fork of the Brazos for a branch of the Comanches.

The act of the Legislature providing for these reservations called for them to be located within twenty miles of the chain of forts maintained by the United States government. Captain Marcy, in conjunction with Major Neighbors, the Indian agent, had met and conferred with the Indians, and had secured their consent to occupy the reservations thus made for them.

But Captain Marcy, in reporting his previous pathfinding expedition, had given the route then laid out by him his unqualified endorsement as affording the very best route for the construction of a railroad to the Pacific coast, following which and its further survey westward the Gadsden Purchase had been made to secure from Mexico needed land over which to construct such a railroad; and, therefore, in 1854, when Captain Marcy was locating the Indian reservations, the construction of railroads through West and Northwest Texas was in the air, and the Legislature in providing for the Indian reservations retained a three hundred-foot right-of-way through them for the construction of a railroad, if so surveyed, charters for which had already been granted by Texas.

The Texas & Pacific Railway was subsequently built through that region, but some thirty miles to the south of the Indian reservations.

From 1849 onward interesting facts are laid up in the official reports of the government, bearing on Indian warfare in the portion of Texas in question; on explorations for finding roads for military and migration purposes, it being essential to locate along the road sites grass and water at convenient camping places, preferably twelve to twenty miles apart for the use of the numerous wagon trains passing through the country. Where surface water could not be had wells, and in some instances, artesian wells were drilled, especially in the region of the Pecos. The haunts of the Indians had to be hunted out, and additional locations of army posts had to be made occasionally. The growing travel to the Pacific coast must be provided for and protected that the newly acquired coast possessions with their gold fields might be developed. And thus the stock of information about West and Northwest Texas was continually added to.

Naturally, without railroads, the question of transportation otherwise was a very live question to be met for its own purposes, at least by the general government during that period of time before the war between the states. In his report in December, 1853, Secretary of War Jefferson Davis showed that he had given study to the question, and then gave cogent reasons for the use of the camel for experimental purposes, "to test their value and adaption to our country and our service." He cited their satisfactory use by Napoleon in his Egyptian campaign, and in other countries where somewhat the same conditions existed; and his recommendations were adopted and the camels imported and used for several years, until the war broke out in 1861. In 1857 Secretary Floyd commended their use in Arizona, and in 1860 General Lee expressed his satisfaction with their use in

the rocky and mountainous regions of the Pecos, he being in command in Texas.

In this year Secretary Floyd gave his hearty endorsement, as preferable to any other, to this southern route for the construction of the much needed railroad to the Pacific coast, surveys for which over various routes had been made.

The reconnaissance of the route through Northwest Texas afterwards followed in general by the Texas & Pacific Railway had been made, and interesting and detailed information of the results thereof from Fort Chadbourne to the west have been left in print.

The Indian reservations mentioned had been short lived, and the Indians had been removed to Indian Territory. United States Army records give interesting facts about the causes leading to that outcome which have been but meagerly used by writers on Texas history.

In the fall of 1858, the then next best thing to a railroad—the stage coach—had been in operation across West Texas from San Antonio to San Diego, California, through El Paso, a distance of 1,200 miles; and over the Marcy trail across West and Northwest Texas from St. Louis to San Francisco by way of El Paso, a distance of 2,700 miles. This was said to be 40 per cent longer than any other stage line in our history and also the longest in the world. This line was known as the Butterfield Southern Overland Mail. At Preston was the first division out of St. Louis; at Fort Chadbourne was the second; at El Paso the third, and thence to Tucson, Fort Yuma, and the sixth and last division at San Francisco. Its coaches started simultaneously from St. Louis and San Francisco on a twenty-five-day schedule, and beat the schedule by one day, and each was greeted by a mighty ovation. Its equipment consisted of more than one hundred Concord stage coaches, one thousand horses, five hundred mules, and seven hundred and fifty men, including one hundred and fifty drivers. It began as a semi-weekly but was soon promoted to six times a week, and from the first its operations had the effect of advertising and greatly aiding in the settlement of the country through which it passed, notably Fort Belknap and Young County, which it put on something of a boom.

It was promoted by John Butterfield and was successfully operated until the war between the states came on, when it was transferred to a shorter route, where it took its chances with the snows.

The same event that put a stop to the Butterfield stage line also put a stop to the growing possibilities of the early settlement and development of West and Northwest Texas for twenty years to come. When the war came on, owing to the exigencies of military necessity in the South, small attention could be paid to the Indian, and for years he roamed almost at will over Texas frontiers; and practically all intercourse with the Pacific coast stopped short.

Many men who made names for themselves on both sides of the

controversy were in the United States Army in the portion of Texas in question, when the war came on, as colonels, lieutenant colonels, majors, captains and lieutenants. Among the number who afterwards wore the gray were Generals R. E. Lee, Fitzhugh Lee, E. Kirby Smith, John B. Hood, Earl Van Dorne, and W. J. Hardee; while George H. Thomas, George Stoneman, W. M. Graham, S. D. Sturgis, S. P. Heintzelman, and William B. Hazen wore the blue, all of whom were on the frontiers of Texas at or just before the clash of arms came, all helping to make possible and desirable the settlement and development of West and Northwest Texas to the full limit of their allotted duties.

During the period of the war there is little to be said with assurance with reference to border conditions.

When the soldiers came back to the Texas frontier, Phantom Hill and Camp Cooper were not reoccupied. Forts Belknap and Chadbourne were for a time reoccupied, but were abandoned, and Forts Richardson, Griffin and Concho were built and occupied in their places, during the brief time that General W. S. Hancock was in command in Texas. Other posts were occupied. As late as 1874 maps of Texas assigned large sections of the plains country to the Comanche Indians as hunting grounds under the treaty of 1865.

Until 1876 all of that vast region lying north of a line extended westward from the southeast corner of Nolan County, and west of a line extended northward from the same place, comprised successively parts of Bexar and Young land districts, and was in that year carved by the Legislature into fifty-four counties. There was also enough territory in Tom Green County at that time to make twelve additional counties, which was done from time to time afterwards.

When General E. O. C. Ord was in command of United States troops in Texas, in his report for 1877–1878 he summed up the situation as it then existed as follows: "The people of Northern and Western Texas were during the Civil War and for some years afterwards, raided upon and their settlements forced back from fifty to one hundred miles, and hundreds of people were killed by the Comanches, Apaches, and other Indians from the Wichita country, the staked plains and occasionally from Mexico; but during the years 1874 and 1875 active campaigns against these bands within our limits resulted in their capture or retreat to the mountains of Mexico, bordering on the Rio Grande . . . and it is from these mountains that they have kept up a regular system of depredations upon stock raisers on the frontier counties of Texas, so that about in proportion as the demand for land increases for the use of the rapidly increasing flocks and herds, the dangers attending the stock farmer in those counties have grown and become known."

He says that "the murders and robberies committed by the Indians have so long furnished the staple news of Western Texas papers

that people of the country have almost come to look upon this state of affairs as the normal condition of things as for a long period of time it has been in Sonora, Chihuahua and parts of Coahuila, and to regard it as part of the Texas ranchman's duty to put up with the regular full moon raid and its accompanying horrors." He then calls attention to the fact that according to Father Saddelmayer this character of warfare had been going on in parts of Mexico for nearly two hundred years.

General Ord further says in the same report: "The Texans during the war and reconstruction have submitted to the murdering of the frontier inhabitants and the plundering of the border settlements because they did not see any other way of relief; but now . . . they feel that something should be done to make life and property secure on the border."

About 19,000 miles were traveled that year, according to General Ord, by the soldiers of the nation in scouts and expeditions after Indians in the portion of Texas under discussion; while in the following year 40,000 miles were covered in one hundred and twenty different expeditions from thirteen regular and thirteen subposts and scouting camps on the borders by two full regiments of cavalry, four regiments of infantry and two companies of artillery.

In the Pecos country, where no railroad had then penetrated, the Indians were still troublesome. The mail routes and the settlements had to be protected by the soldiers; and the Indians had to be forced out of that region and kept out by the soldiers. And General Ord says that: "the intended result has been practically accomplished. All Indians penetrating the country have been so hotly pressed by the troops as to prevent their doing much damage."

From the plains region occasional raids by Indians continued until about this time when General Mackenzie fought a last decisive engagement with a large band of them near what is now Claude in Armstrong County and demolished the Indian forces and sent them scurrying back to their haunts never again to act as a hindering force against the settlement and development of Northwest Texas.

In 1874 under Governor Coke the Texas Ranger force was reorganized and about four hundred men placed in the field, and about this number of men were kept in service until the Indians were finally disposed of. They were unafraid and followed many an Indian trail, and had many a brush with Indians, and are entitled to great credit for the part they had in the pacification of West and Northwest Texas from the border ruffian, the outlaw, and the Indian. But history will not bear out the accuracy of the statement "that the Texas Rangers drove the Indians out of Texas," as recently claimed in a book by an ex-Texas Ranger.

Since 1880 there have been no Indians in Texas to fight, and therefore her people have been busy with the battles of peace.

In 1879 for the first time the Legislature felt called on to pass land laws affecting West and Northwest Texas, when the pioneering cattlemen began "trekking" in great numbers to the frontiers with their herds. In 1882 the Texas & Pacific and the Southern Pacific railways completed their tracks at El Paso to a connection with the long delayed railroad line to the Pacific coast. Since that time about fifteen hundred miles of other lines of track have been built, making possible the addition to Texas of the Empire of West and Northwest Texas, dotted with dozens of cities ranging in population up to 80,000 souls, and peopled with probably the largest proportion of Anglo-Saxon strain to be found in our whole country.

Of the growth and development of the last forty years I have not planned to deal at this time. I have not sought to be exhaustive but rather suggestive only of a line of thought and investigation, and of sources of light thereon in the study of Texas history which appear to me have been too little used.

The battles of peace as fought by the people of the region in question in conquering the elements, and in their fight against lack of understanding of their difficulties and conditions—so different from many other localities—have been at times quite as strenuous as any Indian warfare ever staged. And if her people have measurably succeeded it may be because history has repeated itself, and that the instances in other sections of our common country where God-fearing, sturdy men and women with the blood of pioneers in their veins have gone into the wilderness and made forest and plains to blossom as the rose, have been somewhat followed and duplicated on the plains, valleys and hills of West and Northwest Texas.

CHAPTER XLIV

THE TEXAS RANGERS

By Walter P. Webb

[From an article published by Professor Webb in the *Dallas News*.]

Just what is the Texas Ranger? The question can be answered best by finding out what he has been, discovering his origin, tracing his development, and examining his duties. The exact date of the origin of the Rangers is lost in the obscurity of early Texas history. Stephen F. Austin mentioned them in his letters of 1823, more than a century ago; Bancroft ascribed their beginning to 1838, but in this he was clearly wrong for the Rangers had not only come into existence, but had acquired a legal status before that time. When Texas revolted in 1835, a general council met, and, as a part of its work, authorized the first Ranger force. This organization was to consist of three companies of twenty-five men each, one to range east of the Trinity, one between the Trinity and the Brazos, and the third between the Brazos and the Colorado. The men were to serve solely as protection against the Indians, the remuneration being $1.25 per day. Thus was the Texas Ranger force created in the midst of revolution, and from that day to this it has existed almost constantly in some form, though under varying titles. The creation by the council of the Ranger force was a formal recognition of a pressing social need, and the legalizing of a mode of warfare already established; the long life of the organization implies that the need for it continues. It would be well at this point to examine the circumstances out of which such a need arose.

In order to make the situation clear, it will be necessary to ask the reader to use freely his power of imagination. Picture two great rivers, five hundred miles apart, flowing parallel to each other from the far northwest to the southeast across a tilted plain seven hundred or more miles in extent, and emptying their waters finally into the great Mississippi and the Mexican Gulf. Between these two great rivers—the Red on the north, the Rio Grande on the south—lies Texas, cut by scores of other streams of less magnitude, all of which flow in the same general direction. To the south and east this plain is well watered and heavily timbered; but to the northwest, as the elevation becomes higher, the timbered region gives way gradually to a grassy, treeless plain, with average altitude of about one mile

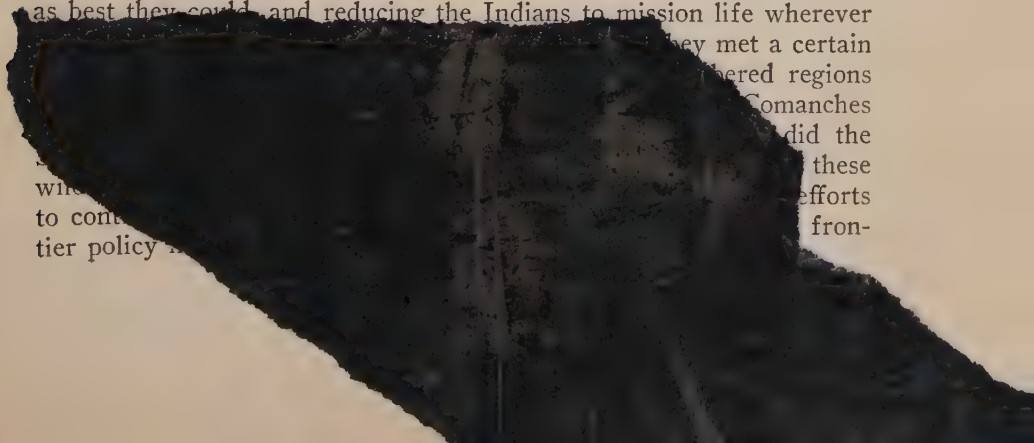
above the sea. Texas consists, then, of two well-defined areas, differing one from the other in climate and in flora and fauna. The lowlands and the east may be not improperly designated the timber belt; the higher, treeless area of the northwest is known as the prairie region.

In the early days the prairie region extended further east than at present, due to the fact that the Indians frequently burned the prairies and destroyed all undergrowth. With the coming of the white man the prairie fires ceased, and much of the land that was formerly barren of trees is now overgrown with dense thickets of scrubby oak. Such is the mighty stage upon which the drama of Texas history has been enacted.

Who have been the actors in this drama, and what rôle have the Texas Rangers played upon the far-extended stage? The curtain rises to reveal the Indians growing their corn, chasing the buffalo and stalking the deer. While they were all savage, from the white man's point of view, they differed widely in degrees of savagery, and they differed largely according to the land which they occupied. The eastern tribes—those of the well-watered timber land—were more or less sedentary, being fishermen, farmers and hunters. The western tribes—those of the rolling plains—were roving, nomadic warriors, migrating with the movements of the buffalo herds. Here in Texas existed two distinct cultures among the Indians. The timber tribes comprised the Caddo, Attacapan and Karankawan confederacies; the prairie men consisted of Apaches and Comanches, and the two cultures were in constant conflict.

History has no record of the length of the conflict, but the Spanish conquerors discovered it when they explored the New World. Unintentionally, they lent aid to the wild tribes of the prairie by releasing some of their war horses in Mexico. These multiplied and spread. They swarmed up from the south and covered the Texas plains with immense herds, waxing fat on the succulent mesquite grass and furnishing mounts for the Comanches. These Indians soon became the best horsemen of the Western world and gained a terrible advantage over their adversaries.

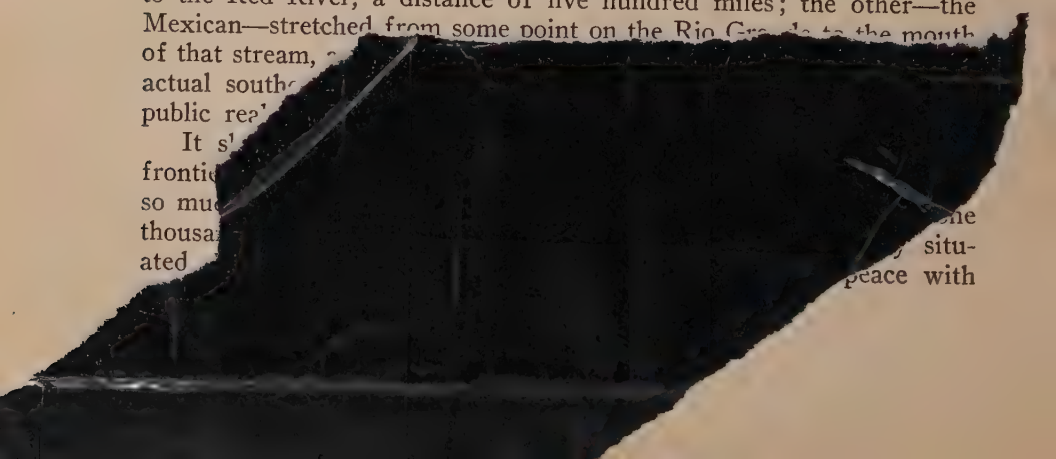
The Spaniards, meantime, were also coming north, the sword in one hand and the Bible in the other, making conquests and converts as best they could, and reducing the Indians to mission life wherever



Perhaps Spain's failure on the frontiers of Texas was but a symptom of that impending disaster which, within a score of years, was to sweep from her imperial but palsied hand all her colonial possessions in America. Texas with all her problems fell to Mexico. But if Spain could not cope with the prairie Indians, what hope had Mexico, a country which has apparently not yet found the key to self-control? The story is told—and on good authority—that when Texas was a province of Mexico the Comanches frequently came into San Antonio, the center of the Mexican population, and compelled the Mexican citizens and soldiers to hold their horses while they paraded the streets and celebrated the occasion!

The first settlers from the United States were introduced into Texas by Stephen F. Austin at the beginning of 1822. Why did the Mexican Government permit an alien race to come in? There are several reasons well known to the historian, and it is said that one of them was the desire to place some strong arm between the timorous Mexicans, like those of San Antonio, and the wild Indians. The Comanche's horse might become too hard to hold! *Quien sabe?* However this may be, an examination of the land grants made to Americans will show that their holdings tended to form a tier lying roughly between the timber belt and the prairie region. In short, the Americans from the United States were to serve as a buffer between the wild tribes and the interior settlements, and on them was to devolve the task of conquest at which both Spain and Mexico had failed.

Once more the door of Texas was open, the Americans pushed in with that mighty surge which carried the Anglo-American civilization from the Atlantic to the Pacific during the first half of the last century. Mexico, becoming alarmed, undertook to close the door, but it was too late. The Texans—for such the immigrants had become—not only stood off the Indians, but turned on the Mexicans and wrested from them Texas independence in 1836, just fifteen years after they had entered the State. This done, however, they found themselves in a most precarious situation. They were caught, as it were, between the jaws of a great vise. One frontier—the Indian—extended along the edge of the great prairie from the Rio Grande to the Red River, a distance of five hundred miles; the other—the Mexican—stretched from some point on the Rio Grande to the mouth of that stream, a



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one enemy and sometimes with the other; but again she fought them both. War was the rule, the commonplace of daily life, and death was the price of defeat, for the savage enemies of Texas knew no mercy.

What sort of fighting force would Texas devise to meet this unhappy situation? Had the State been populous and wealthy as she is today, the answer would have been simple. In those days her population was less than that of Dallas, and her promise to pay was worth sixteen cents, and less, on the dollar. Hard money was a negligible quantity. These things made a standing army impossible. Whatever fighting force was provided must be small and inexpensive in order to be maintained at all. It must rise in time of need and disperse when the danger had passed. Such are the circumstances in the early history of Texas out of which evolved this peculiar fighting force.

These early Rangers were semi-military in character, varied in formation and organization, ununiformed and undrilled, and irregular in operations. They were in a sense, indigenous to Texas, having sprung from the soil made fertile by the blood of their kinsmen, and they soon became the frontier fighting force *par excellence* of the world. They were the forerunners of such organizations as the Northwest Mounted Police of Canada, the Cape police of South Africa and the Pennsylvania State police, though unlike any of them. They were the Anglo-American solution of the problem of the frontier. The true character of the Rangers becomes clear only in the light of that knowledge which comes from an acquaintanceship with the nature and disposition of their foes, the Mexicans on the one hand and the Indians on the other. From long experience with the Mexicans, the Texans had come to distrust every word and deed of the race; they doubted their honor, feared their mercy and despised their valor—lessons dearly learned at the Alamo, Goliad, and San Jacinto. From the Indians, whose position on the west has already been indicated, they also took hard lessons. The Comanche warrior was a terrible foe, courageous, cunning and cruel, an adept in all the practices and subterfuges of partisan warfare, and in order to meet him, the Ranger had to adopt his tactics. For example, the Comanche always came suddenly, mounted on the fleet prairie mus-
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as that of the plain. Colonel John S. Ford, himself a Ranger, soldier and newspaper man, summed up their qualities in these words: "The Texas Ranger can ride like a Mexican, trail like an Indian, shoot like a Tennesseean, and fight like a very devil." Above all, these frontiersmen were the embodiment of individualism. It was their outstanding trait, their chief characteristic. They were self-reliant and resourceful, frequently extricating themselves from difficulties, not by fighting but by quick thinking. Only one thing in warfare they had forgotten in their long struggle with a dual foe, and that was to surrender. They gave quarter—sometimes—but never asked and never expected it.

Their leaders were natural leaders, men who possessed in a high degree the qualities they admired in others and found essential to themselves. A few of these men were John C. Hays, Ben McCulloch, John S. Ford and the two Rosses. The ranks were filled with those courageous ones who loved action and adventure better than ease and gain. All early Texans were more or less frontiersmen who had left the older states because they felt crowded, and the Rangers were the most courageous of these. Had not David Crockett met death in the Alamo soon after his arrival in Texas, he would most surely have become a Ranger, as did his friend and companion from Tennessee, Ben McCulloch.

Though the Texas Rangers have never had a prescribed uniform, their dress has always been distinctive. They have worn buckskin, corduroy or khaki, according to time and circumstance. Fine leather boots, spurs and large felt hats have been a part of their costume from the days of the Republic until the present. Their arms have consisted of the best rifle that could be had, from two to four pistols, a lariat, and perhaps a bowie knife. They were the first to demonstrate in actual war the value of the revolving six-shooter, and after its invention in the 'forties, it became and has remained to this day their chief weapon. They have never carried sword or saber. An English writer explained this fact by saying that the Indian never engaged in close personal combat, while the Mexican was too dangerous with the lasso. Once the United States Government equipped a regiment of Rangers for frontier service and prescribed sabers as a part of their arm[illegible] General Sam Houston, who was Governor at the time, caustic[illegible] service to the [illegible]

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found herself in the Union, the Rangers disbanded with the feeling that the regular army would afford Texas and her citizens whatever protection was needed against the Indians. The federal government did establish posts and maintain forts along the frontier, which she garrisoned with regular soldiers. These troops were either dragoons, usually mounted on large and clumsy horses, or infantry, but in neither case did they understand Comanche warfare. The Indians were not long in finding this out, and they soon spread terror throughout the borderland, whose inhabitants called long and loud for Rangers. One writer, commenting on the situation in 1849, said: "If Harney [General Harney was in charge of the Eighth Military Department, Texas, with headquarters at San Antonio] can have his own way, I can not but believe he will call in Hays, McCulloch, and all the frontier men, and pursue the Comanches to the heads of the Brazos, the Colorado, and even up under the spurs of the Rocky Mountains. . . . Harney can take the dragoons along with him, but for the light work he must have Texas Rangers. Without them, even he, with all his determination and go-aheadity, can effect but little." Another writer declared that the infantry was of as much use against the Comanches as a sawmill on the ocean.

At times the situation was so bad that the state called out the Rangers, trusting to the federal government for reimbursement; at other times the men served without pay. Congress was petitioned and implored, but did little. "Give us 1,000 Rangers," said General Sam Houston in a speech in the United States Senate, "and we will be responsible for the defense of our frontier. . . . We ask no regular troops; withdraw them if you please. I ask this not through any unkindness to them, but because they have not the efficiency for frontier service." The government did not withdraw the regulars, but did supplement them with companies of Rangers. Just prior to the Civil War, two notable battles occurred. In one of them, Cynthia Ann Parker was recaptured and Chief Peta Nocona killed.

Speaking of this period between the Mexican War and Civil War, Gen. W. H. King says:

> Many lives were lost, many persons wounded unto death or made cripples for life, many carried into a horrible captivity, much property destroyed, and thousands of horses, mules and cattle driven off [illegible] robbers; but still the [illegible] kept closing upon [illegible] outlying wilder- [illegible] determined

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operations. The Indians were awed somewhat by the clash of arms between the North and the South, and they kept, for the most part, far out on the western prairies.

Following the war came that miserable period of "Reconstruction," during which the real Texans, those who had held back the Indians and Mexicans, and fought valiantly for their conception of right in the late war, were disfranchised and made helpless in favor of the carpetbag régime. The Indians returned with their scalping knives, the carpetbaggers came for their spoils, and bold and desperate characters sprang up on every hand. Lawlessness and disorder were truly rampant in those post-war days. In 1874 the government was returned to white men, to the real Texans, but the conditions were indeed serious. The Indians remained bitter on the frontier, but there were worse enemies within the settlements. A great "crime wave" was on; murder was a daily occurrence, owing frequently to deadly feuds which had grown up and spread their sinister influence over entire counties. In many localities sheriffs feared to arrest criminals, witnesses dared not testify, juries were intimidated, and judges found it dangerous to render a decision.

Once more the Rangers were reorganized, six companies of seventy-five men each. But an important change was made in their status and duties. They were to protect the frontier and fight Indians as before; but in addition, they were given the power of peace officers. On the northern border they fought Lone Wolf, Little Bull and other Comanche warriors; on the southwest they guarded the Texas side of the Rio Grande against Cortina and his band of cattle thieves; in the interior they pursued and killed Sam Bass, broke up the Sutton-Taylor feud and drove the road agents under cover. When not more actively engaged, they guarded prisoners, protected courts and dispersed lynching parties. The Rangers were busy men in those days! In their double capacity of soldiers and peace officers, they presented a novel experiment in government, and one which did not escape criticism. In fact, all the criticism that has ever been brought against Texas Rangers has been brought against them in their capacity as peace officers. Be that as it may, during the ten years following this reorganization, the Rangers pushed the Indians to the very limits of Tex[illegible] at the same time rendered the interior a safe and decent [illegible] largely to the [illegible] officers and[illegible]

CHAPTER XLV

TYPICAL RANCH LIFE

By Harley True Burton

[In this selection Mr. Burton is describing the life of the J A Ranch, established by Colonel Charles Goodnight in the Palo Duro Canyon in 1876; but the description fits a typical large ranch. The selection is from *The Southwestern Historical Quarterly,* XXXI, 359–364, XXXII, 48–60. The history of the J A Ranch is treated in detail in these two volumes of *The Southwestern Historical Quarterly.*

I. Routine of the Early Days on the J A Ranch

A ranch "outfit" in the early days consisted of a chuck wagon (and later a hoodlum wagon), cook, wagon boss, horse wrangler, twelve or fifteen cowboys and a remuda. The chuck wagon had a chuck box fitted into the back of it where the end gate should go. The lower part of the chuck box where the pots and pans were carried had a bottom made out of a cowhide. It was known as the "coonie." It also contained shelves and drawers in which the cook placed the "makings" for sour dough biscuits—soda, salt, baking powder, and yeast. Other shelves and drawers were filled with knives, forks, tin cups and plates. There were also places for keeping fresh beef, bacon, beans, canned corn, canned tomatoes, dried fruit, coffee and sugar. The front part of the wagon contained the bedding of the outfit and feed for the chuck wagon horses. A hoodlum wagon, which was added at a later date to the equipment of the outfit, is a wagon in which the bedding of the cowboys and their personal effects are carried. It also carries a large tarpaulin, the chuck, and feed for the hoodlum team.

The "eats" consisted of the above mentioned foods. The cooking was done in the open. Almost everything was cooked in Dutch ovens except the dried fruits, and these were cooked in kettles or buckets hung on an iron bar over the fire.

The wagon boss was the man in charge of the outfit. Everyone took orders from him. He decided where the round-up should be made each day and gave the boys instructions as to how much territory should be covered in making the daily round-up. After the round-up was completed he always worked inside the herd and directed the work.

A cowboy's equipment consisted of a tarpaulin, two "suggins" (comforts), a pair of blankets, a pair of spurs, a bridle, a saddle, saddle blanket, a lariat, a stake rope, and a hobble rope. He was also furnished a mount which usually consisted of seven horses but sometimes of as many as ten horses.

The remuda consisted of all the horses with the outfit. They were in charge of the horse wrangler, who looked after them day and night. He usually rounded the horses up three times a day. Once early in the morning, once at the wagon, and then again late in the afternoon. The first time they were rounded up in the morning was near where the round-up for the day was to be so that the boys could change from their round-up horses to their cutting horses. The second time, they were rounded up at the wagon at noon so the boys could change horses again. Late in the afternoon they were rounded up again so the boys could change horses or catch their horse to be staked for the night. Each time the horse wrangler rounded them up in a small bunch so that a rope corral could be placed around them and the two oldest boys could rope the horse they wanted. A rope corral consisted of lariat ropes tied together until they reached around the whole herd of horses. A horse never attempted to get outside this rope corral before he was roped, because he had been trained early by being forced to run over a rope which was stretched tightly about two feet above the ground. A few contacts with the rope gave the animal some hard falls as well as rope burns, which he did not readily forget.

The boys started on the round-up for the day just as early in the morning as they could see. These round-ups covered about ten miles square of territory. The boys would all start together with their horses in a long run and would often travel together as far as ten miles. They would then split and cover a certain territory designated by the wagon boss and would round the cattle up in some open space agreed upon beforehand. If it was a small round-up of seven hundred or eight hundred head, they would have the cattle rounded up by ten o'clock; if a large round-up of two thousand or twenty-five hundred head, it would usually be eleven or twelve o'clock. The boys would change to their cutting horses and be ready for work after dinner.

Two or three men would cut out the class of cattle wanted. One man would hold the cattle cut out and two men would work between the cut and the round-up to keep them from mixing. The men who did the cutting changed horses after a short while (sometimes a rider changed as high as six times in one day) or new men would take their places. This was continued until they had cut out all of the class of cattle they were gathering. After all the cattle desired were cut out, the round-up was turned loose and started in the opposite

direction from the cut so that they would not mix. The cut would then be put in the main herd the cowboys were holding.

In case they were gathering calves to be branded, after the cows and calves were cut out, they were taken to the branding pens and there they were separated. The calves were put in a pen to themselves, where they were bulldogged and branded. Before there were any corrals, the calves were branded on the open prairie. They were roped and dragged to the fire where they were branded. They were then turned back into the round-up.

Bulldogging was, perhaps, the hardest work connected with early ranch life. This was done in three ways. One way was for one cowboy to rope the calf around the neck. Then another cowboy would "flank him." That is, he would walk up to the side of the calf and reach over his back and take hold of the calf's flank; then he would pull up with his hands and push on the opposite side with his knees, lifting the calf off the ground bodily and throwing it on the ground. Another way was for a cowboy, after the calf had been roped around the neck, to take the calf by one ear and reach over its head with his other hand and catch the calf's jaw, putting his thumb in the calf's mouth just behind its teeth; then he would twist the calf's neck until it was thrown. The other method is the one used principally today. The calf was roped by its heels and one cowboy would catch it up by the tail while another took hold of the rope close to its heels; then they would pull in opposite directions until the calf was thrown. In either case one man held the calf's head while another would put his foot against the under hind leg of the calf and pushed it forward while he pulled backward the upper hind leg. Another man would brand the calf while still another would mark it.

In the morning when the men started on the round-up the wagon boss always told the horse wrangler where the round-up would be. The horse wrangler would have the horses on hand by the time the round-up was completed so that the boys could change to their cutting horses. The cook would move the chuck wagon as near as he could to the round-up or rather to the nearest place where there was water. The day's work was completed when the round-up had been worked, unless the boys were gathering cattle for the market. If such was the case, there was the main herd which had to be held at night. The boys, if holding the herd, would rest awhile after the round-up was finished, then eat supper, saddle their night horses, which were never used for any other kind of work, and stake them out, that is, all would who were not on the first shift. Usually three or four men were on guard duty at a time. Three or four shifts were made during the night, depending on the number of men in the outfit.

The first round-up was made in the spring of the year. Stockers were gathered for the market. This round-up lasted several weeks. They always managed to get through anywhere from the first to the middle of May. This was necessary because by the middle of May it was time to start out with the wagon or wagons as the case might be. Sometimes there were two or three separate outfits on the J A Ranch and one on the F Ranch. There were from twelve to eighteen men with each wagon.

It was the custom to start on the south side of the ranch and following the running water. This was necessary because all the water used came from running streams. There were no wells and windmills.

As had already been stated above, the first few years, branding was done in the open, but in the early eighties corrals were established at Spring Creek, Plains Corral, Pleasant Creek, Turkey Creek, and Battle Creek. It was customary at the beginning of the branding season to send one cowboy to each large outfit in a hundred miles of the ranch to work with these outfits and the other large outfits would send one to the J A Ranch. These men were to look for cattle that had strayed away from the outfit to which they belonged. The branding season usually lasted until about the tenth of June. Then the wagons would pull into headquarters. The cowboys were a hard looking bunch when they pulled in. Many of them had not shaved or had a hair-cut during the entire time they had been with the wagon. Most of them were rather rugged, and it was not an unusual sight at all to see a cowboy with his trousers sewed together with a strand out of a lariat.

Following the spring round-up all of the boys, with the exception of three or four, were given a "lay off" on full time for three or four weeks. Three or four men were kept on duty to do the odd jobs that had to be done. The boys who got a lay off usually went to some large town and spent their wages having a good time. As their money gave out, they would drift back to the ranch. All of them managed to get back in time for the fall round-up, which began, as a rule, about the last of August.

The fall round-up was very similar to that of the spring. The boys rounded up beef cattle for the market and branded all cattle that were missed in the spring round-up, including also the calves that were too young to brand in the spring. They tried to have all the cattle ready to start on the trail by frost, which was usually around the middle of October. When this round-up was over, some of the boys went to market, some were sent to winter camps and the rest were turned loose until the spring routine began.

The boys who were sent to the winter camps had a very lonely life. Frequently they would go for months without seeing a human being. Occasionally they would go to headquarters and gather up

all the old magazines and newspapers they could find. The mere fact that a newspaper was a few months old made no difference. These they read and re-read at night by a light made of a pan of grease with a rag wick. At these winter camps there was very little work to do except ride the line (and later to ride the fences after they had been built) in bad weather and keep the cattle from drifting south and stacking up against the fences. In the early spring when the "heel flies" came, the work became heavier. The men had to ride the "bogs" every day and pull out poor cattle that had got stuck in the mud. "This was real work," says Mr. Martin, "and many days of hard work were put in in this way." About the only amusement the cowboys had was hunting. There was plenty of wild game such as quail, wild turkeys, deer, bear, loboes, coyotes, and fox. Mr. Martin says that in one of the camps where he stayed three months, the wild turkeys got so tame that they would come in large droves and pick up grain around the cabin where horses were fed. He was so lonesome that even these wild turkeys were company and he would not shoot them.

Ranch life has been a popular theme for writers for generations, and in almost every instance ranch life has been depicted as an easy, carefree life. The account given of a year's work on the J A Ranch is (the writer believes) typical of almost any large ranch in the early days. The reader will, no doubt, be impressed with the fact that instead of ranch life in the early days being an easy, carefree life, it was, in fact, a very strenuous life. However, there seems to have been a fascination attached to it, and anyone who worked on a ranch for any length of time enjoyed it. Quoting Hon. James Wadsworth, Jr., "No man who has ever worked on the [J A] Ranch will overcome the longing to return there."

II. A Year's Work on the J A Ranch

In the early spring when the first sprigs of grass begin to shoot up, the first round-up for the year is staged. This round-up is held in the reading room of the bunk house around the big stove. Some cowboy will say, "I saw some green grass today," and another will speak up and say, "Yes, and I noticed the heel flies after the cattle today." Then the round-up is on. The cowboys begin to swap yarns of thrilling experiences they have had on previous round-ups. Sometimes these round-ups are very realistic; however, no one is ever hurt. Some time between the first and tenth of May, Mr. J. W. Kent, the Superintendent of the ranch, and Mr. W. C. Beverly, wagon boss, get together and decide when the wagon will start out on the spring round-up. The grass is the principal thing which determines this date because it is impossible to start the spring work until the grass

will furnish good grazing for the horses; however, they usually start out the eleventh day of May. When this date has been definitely decided upon, Clinton Henry, the bookkeeper, calls up the camps and the farms and tells them when the wagon will start out, and at the same time he invites everyone connected with the ranch to the big dinner and baile (dance), which is an annual affair held the day and night before the wagon is to start out the next day.

The cowboys all come into headquarters on a specified day, usually three or four days before the round-up is to begin. On this day they gather up the remuda (horses) out of the canyons where they have been since the fall round-up. The cook comes to headquarters also about the same time that the cowboys do. He gets the old chuck wagon out of the shed where it has been since the fall work was over. The old wagon is thoroughly cleaned and so are the pots, pans, cups, knives, forks and spoons, and any new equipment needed is added and a supply of provisions sufficient to last for the first few days is placed in the wagon. The cook has everything in readiness two days ahead of time. After the remuda is gathered each cowboy returns to his winter camp and gets his things ready for the round-up. They return to headquarters two days before the dinner and dance. This time he brings with him his slicker, chaps and bedding besides his saddle, saddle blanket, bridle and spurs. He also brings his "feed" horses with him. The feed horses are his two favorite horses, and one or two "broncs" which were assigned to him in the fall of the year to feed during the winter months.

The first day the cowboys are at headquarters after their return, each cowboy fixes his stake pins, tepee and stake rope. When these are fixed, he takes them and his other "belongings" and places them in the hoodlum wagon, which is the wagon taken along for the purpose. The hoodlum also carries a "fly," a tarpaulin, chuck, feed for the hoodlum team, and after the round-up is started it carries a forge. It is ready to go about two days before time to start.

The day before the dinner and baile is a holiday for the cowboy. He must get ready for the dinner and dance. He usually goes to town and has his "hair cut off" (hair cut) and his "whiskers drove in" (shave). He also makes a date with his best girl for the dinner and dance.

The following day, which is "The Big Day," the campers and their families, the farmers and their families, and the cowboys and their lady friends arrive at Headquarters in time for the big dinner, which is usually served about five o'clock in the afternoon. When all have arrived, there are about a hundred guests. This year, May 10, 1927, there were a hundred and thirty-five guests. The long table in the dining room, which has been lengthened until it will accommodate sixty people at one time, is loaded from one end to the other with good things to eat. The menu consists of the following articles

as a rule: beef prepared in every form, turkey and dressing, boiled ham, creamed potatoes, sweet potatoes smothered in marshmallows, fresh beans, celery, several kinds of pickles, stuffed and unstuffed olives, fruit salad, iced tea, milk, coffee, several different kinds of pies, and cake and ice cream.[1]

When all have been served preparations are made to start the all night dance, which the cowboys call "baile" or "old-fashioned hoedown." It usually starts about six-thirty. It is held in the sleeping quarters of the cowboys in the bunk house. The music is furnished by some of the J A boys. Si Johnson, Bolie Mayo, and Eck Robertson play the violin, Clinton Henry plays the banjo and Huck Kent plays the guitar. Some of the pieces played are "Arkansas Traveler," "Rag Time Annie," "Over the Waves," "Soldier's Joe," "Rye Straw," "Measley Shame," "Chicken Reel," "Casey Jones," "Turkey in the Straw," "Snow Bird in the Ash Bank," "Sugar in the Guard," "Peekaboo," "After the Ball," and the last piece played is "Home Sweet Home." . . .

About every sixth dance is an old-fashioned square dance and various old-time cowboys take turn about calling for them.[2] . . . The dance goes on until midnight without an interruption. Then a lunch is served consisting of various kinds of sandwiches, fruit salad and coffee. The cowboys and their guests are served first and the other guests are served afterwards. The dance is then resumed and continues until about daybreak; then "Home Sweet Home" is played and the dance is over. The guests return home and the cowboys make preparations to leave with the wagon, which starts out shortly after sunup.

The "outfit" consists of the chuck wagon and the hoodlum wagon,

[1] The menu for the dinner May 10, 1927, was as follows: Beef roast, dressing, gravy, creamed Irish potatoes, sweet potatoes smothered in marshmallows, pickles, butter, Poinsettia salad, Waldorf salad, coffee, ice cream and cake. In the center of the table there was a miniature "outfit" complete in every detail, made by Jimmie Moore, Clinton Henry and (Cowboy) Hines. It consisted of a chuck wagon, ten bed rolls, a fly, cook and horse wrangler, pot rack, pot hooks and pots hanging over the fire, three miniature horses and miniature saddles, complete in every detail, with spurs, bridles and ropes lying around. There was not a thing left out that would be found around a cow camp. It even had towels hanging on the fly ropes and on the spokes of the wagon wheels.

The midnight lunch consisted of sandwiches, pickles, cake and coffee.

[2] The dinner and dance is primarily for the people employed by the Ranch and their invited guests. There should have been only one hundred and thirty people at the dance on May 10, 1927. The writer, who was one of the invited guests on this occasion, was surprised at the number of self-invited guests. There were ninety-one couples who took part in the dance and equally that many more who did not dance. Another thing the writer observed was that most of the cowboys for whom the dance was given, did not take part in it. I asked a number of the boys why they were not taking part in the dance and they all gave out the same answer, namely, "That bunch who were not invited have crowded in and taken charge of the dance floor."

the cook, the wagon boss, the horse wrangler and from fifteen to eighteen cowboys. The cook, as the name implies, is the man who does the cooking for the outfit; however, a word of explanation with reference to him is perhaps necessary. He is "boss supreme for sixty feet around the chuck wagon." This means that when the boys come for their meals, they must do as the cook says while within his territory. The preparation of a meal is very interesting and odd to those who are not familiar with camp life. The cooking is done in the open. Two iron rods or "stobs" are driven in the ground a few feet apart and a cross bar is placed on these "stobs," thus making a rack to hang pots or buckets on. The fire is built beneath this cross bar and everything is cooked in pots hung over this fire except the "good sour dough biscuits." They are cooked in "Dutch ovens." The Dutch oven is a very large thick skillet with three legs under the bottom, and a heavy lid fitting on the top. The biscuits are put in the oven, under and on top of which live coals of fire are placed. After this heating process is done, the cook does not have to worry any more about the biscuits, they will brown without burning. Clinton Henry says, "Everybody has an idea that a cowboy doesn't have good meals, but he surely does. Some of these good meals consist of brown beans, potatoes, fresh beef, all kinds of dried fruit, different varieties of canned goods, syrup, sour dough biscuits and black coffee. Black coffee and good sour dough biscuits, after you have gone down the rope to about a hundred and fifty calves with the temperature at 110 degrees in the shade would put Fred Harvey's meals on the shelf." The cook places the food in a row under the fly when the boys have all got in. He then says, "All right, fellows, come and get it; if you don't I am going to throw it out." Each cowboy goes by the chuck box, which is in the end of the chuck wagon, and gets a tin plate, knife, fork, spoon, tin cup and a serving of sugar; then he helps himself to the food in cafeteria style. . . .

The round-ups on the J A Ranch are divided into two divisions, flat work and the canyon work. The flat work is the work on the level part of the ranch. It takes about three weeks to finish the work in the spring and about the same length of time to complete the fall round-up. The canyon work is the working of the canyon pastures. It usually takes longer to work these pastures; especially in the spring of the year because this is the rainy season and sometimes the work is held up a day or two at a time because the streams are swollen and boggy. When the wagon starts out in the spring (and fall, too) it goes to one of these flat pastures. In the spring, the work consists of gathering steer yearlings and shippers and branding, dehorning and vaccinating calves; the same kind of cattle are gathered and the other work is of the same nature in the canyon pastures, but a day's work in the flat is not the same as a day's work in the canyon. There is so much difference that a description of a

day's work in each place will be given. It will be seen that the flat work is much easier.

About four o'clock in the morning the cook yells, "All out, fellows." The boys saddle their horses, get a cup of coffee, light a cigarette and are soon gone on the day's round-up. However, it is not so simple as this, if there are a few "tenderfoots" with the outfit and there usually are at the beginning of the season. They frequently have a hard time staying on their mounts because the horses are not very well broke and are feeling rather gay at that time in the morning. It is a very common occurrence to hear a screaking of leather, the cracking of cedar bushes, a dull thud and a horse running with the stirrups of the saddle shaking hands above the horse's back every jump he makes. . . . The territory for a day's round-up on the flat is not very large, usually covering six or seven miles square, and is usually a short distance from the camp so the round-up is made by nine or nine-thirty o'clock. After the round-ups are thrown together and the boys change to the cutting horses, the business of working the round-up begins. The general working of a round-up in the spring and fall vary somewhat. In the spring the main business is to brand the calves, gather the stuff that will be shipped through the summer such as fat calves and odd heifers and to gather the steer yearlings preparatory to delivering or selling and gathering the heifer yearlings and their mothers. The calves and their mothers are usually cut out first. This is done in order to get the calves with their mothers out before the round-up is too badly stirred up and the calves and their mothers become separated. There are usually some two to four boys working in the round-up at a time, owing to the amount of work to be done and the amount of help there is to do the work.

The calves that are to be branded are cut out on one side of the round-up, with their mothers, one or two boys cutting all the time, and after the biggest end of those are gotten out some of the other boys will start another cut. In that cut they will throw the steer yearlings and their mothers in so far as they can get them cut out together. Sometimes there will be a third cut, depending upon the place they are holding the round-up. In that cut will be put the shipper stuff and possibly the heifer yearlings. But a great deal of the time these three cuts are thrown in one cut. There is, also, usually a bunch of cows with calves that were in the round-up the day before. Sometimes if they are tallying, they cut those cows with their calves that have been branded the day before and tallied and run them off. After the herd has been worked and all the classes separated into the different cuts, then if they are tallying, the balance of the cattle left in the round-up, which consists chiefly of dry cows, is taken to the corrals and penned and are tallied and turned out of

the pens and thrown back in the cut from which they were rounded. Then the several cuts are penned.

By this time it is usually time to get a bite of dinner. After the boys have got a feed of sour dough biscuits, "frijoles" and beef they catch a fresh horse and go back to the corrals for the afternoon's work. First they tally the shipper stuff, heifer yearlings, steer yearlings, etc., and start them out on a "windy" to a holding pasture in the flat country near the headquarters where they are held until spring round-up is over, and are later worked to suit the occasion. After the tallying has all been done, they start the branding. The branding operation sometimes is done two different ways, owing to the corral they are at and the size of the calves and the number of calves. Sometimes when the calves are small and they have a convenient crowding pen, they separate the calves from their mothers and run them in the crowding pen and the boys get in there and bulldog them or flank them. . . .

The branding work itself consists of putting the stamp *J A* on the calf, marking, vaccinating and dehorning the steer calves. The heifers are not dehorned. There are two boys to each roper called bull-doggers or calf-wrestlers. They throw the calf and hold it. Then there is one man who runs the vaccinating needle, vaccinating for both ropers. One man runs the iron and one man runs the knife. They each mark and brand after both ropers. Also one man runs the dehorners and occasionally one man runs a dope pot. This dope contains creosote dip, tar and fish oil which is put on the calves to keep the flies away. There is also one other man needed to run the forge and keep the irons hot. If there are enough extra men they will take it time about relieving those who wrestle the calves.

After the day's branding is completed the calves with their mothers are taken back to the round-up grounds and they are left set for an hour or so until they have became settled, that is the calves have found their mothers, etc. Then they are started off the round-up grounds in the direction from which they were rounded that morning. Occasionally, there will be quite a number of cows with very young calves cut out while the herd is settling and turned back to the direction from which they were rounded that morning. This is the usual way a round-up is worked on the J A Ranch today; however, no set rules can be given which will cover all round-ups. There are many variations. Each wagon boss of an outfit determines how the round-up will be worked and every wagon boss has his own way of working a round-up.

There are five pastures known as the canyon pastures. They are Cherokee, Barrel, Tule, Number One and Pleasant. The canyon work begins at the lower end of the canyon in Cherokee pasture and they work up the canyon and wind up with the working of Pleasant pasture on the upper Palo Duro Canyon. As has been stated before,

the canyon work is different in some respects from the flat work. Breakfast is served about three-thirty in the morning and sometimes as early as three o'clock. Then there is a long ride to the canyon, some ten miles before daylight. The country is very rough and frequently the ground is wet and slippery, the cattle are wilder and more difficult to gather; the result is the round-up is gotten together later in the morning than on the flat. The round-up is usually held in the bed of Red River because the alkali flats are slippery and not firm enough to run wild cattle on. After the round-up is made the rest of the day's work is about the same as it is on the flat with one exception. They always round-up a few "outlaws" or old cattle that have been missed for years and these furnish harder work and more excitement than the average calf does. Another duty which comes in connection with the canyon work, occurs practically every day, is that the steer yearlings and shippers that have been gathered must be driven out of the canyon into one of the flat pastures so they will be handy for shipping later on. These herds are called "windies" by the cowboys and every cowboy hates this kind of work. The reason they are called windies is because at this time of year the weather is very warm, the cattle are contrary and hard to drive, and by the time they are gotten out of the canyon, the cattle, the horses and the cowboys are all just about winded, or exhausted.

When the canyon work has been completed, the wagon moves out into the flat again and the cowboys spend about a week shaping up the shippers and getting them in the shipping pastures. They always try to complete this work by the third of July so that the wagon can pull into headquarters in time for the boys to celebrate the Fourth of July. All of the boys get a three days' lay-off at this time.

The shipping of cattle starts right after the boys have had their three days' lay-off. Cattle are shipped once a week as a rule either on Saturday or Monday. Whichever day is decided upon is the one that is used all the time. This is kept up until about the middle of October. Undesirable stuff is shipped first, next fat cows, then young heifers; after these about a thousand head of heifer calves, and last of all, about a thousand head of old cows; some are fat and some are not. The most of the steer calves are sold to local buyers for fall delivery and the rest of them are kept by the ranch until spring and perhaps later.

A few of the boys help the wagon boss with the shipping during the summer months. Two boys ride the line. The rest of the boys go out with the wagon again, but this time the cowboys' equipment consists of work horses or mules, plows, post hole diggers, fresnos, scrapers and all other articles necessary for road work, tank building and fence repairing. During the months of July and August, all the fence on the ranch is repaired, the roads are graded and the ground tanks are cleaned out and repaired and new ones built wher-

ever it is deemed necessary. It goes without saying that this kind of work does not appeal to the average cowboy; however, the work is not hard. They have breakfast at six in the morning and quit early in the afternoon.

The fall round-up, which usually starts the first of September, is very much like the spring work. The main difference is, in the fall, the steer yearlings that were branded in the spring, with their mothers, are cut into a bunch to themselves and thrown out on a windy to a holding pasture near the headquarters where they accumulate as the fall work goes on, to be delivered to local buyers after the first of November. Besides these, shipper stuff, poor cows and any other poverty cattle that must be fed during the winter months and any steer yearlings that were missed in the spring and all the heifers and their mothers are all thrown out in the flat pastures near headquarters preparatory to the final work in the fall when the wagon pulls in.

When the canyon work is over, the wagon moves out on the flat as it did in the spring and the fall deliveries are made. There are two deliveries made about ten days apart. The reason there are two deliveries is because it is not wise to try to handle too big a round-up at one time. These deliveries are very interesting to those who are not familiar with them. It must be remembered that these steer calves are not weaned yet. The cows and calves are taken to corrals and here the calves are separated from their mothers and the calves left in the corrals. The cows are driven back to the canyon pastures where they are to be wintered and are penned for two days and two nights. By this time they are weaned from their calves, and it is safe to turn them out. The calves, after their mothers have been taken away, are turned out of the corrals and driven back to the pastures where they and their mothers were. After going around for a few days and not being able to find their mothers, they are very well weaned and are in shape to be delivered. Then they are driven to Ashtola and shipped or delivered as the case may be. After the steer calves have been delivered there is usually a clean-up of a few undesirable cattle. These are shipped to market. Then the "poverty" cattle (feeders) are worked and passed into definite pastures where they are to winter and be fed. This finishes up the work with the cattle.

The next work to be done is the gathering and picking the "broncs" (young horses). When the broncs have been gathered, the wagon boss has first choice, the straw boss (assistant to the wagon boss) second choice, the oldest cowboy in number of years with the outfit has third choice and so on down the line, that is, seniority rules. After all the cowboys have picked their horse, the campers pick them one, and here again the seniority rule is followed. After all have picked, if there are enough, and there usually are, they all pick another

in the same order as before. All the broncs are then taken to headquarters to be broke.

Two cowboys usually take the job of breaking these broncs for so much per head. When the bronc-riders think they are broke, they call the cowboys and let each cowboy ride his own broncs. If the cowboy says he is satisfied, his horses are turned over to him, but if not the bronc-riders will ride them some more. Each cowboy takes his bronc or broncs, as the case may be, after they are broke, with him to his winter camp, where they are fed during the winter months so that they will be in good shape for the spring round-up.

This finishes up the fall round-up and the wagon pulls into headquarters and is stored in the shed. The boys are assigned to the winter camps. Three are placed at headquarters, two at the Graham place and one at each of the other eleven camps, and as Huck Kent says, "The big thing is over until May the tenth which is a date longed for by the younger cowboys and dreaded by the older ones." The duties of the cowboys during the winter months are very light. They ride the range, help feed the poor cattle and do any odd jobs that need to be done. This work is all done in the forenoon and they are free to do whatever they please in the afternoon.

CHAPTER XLVI

MANAGING A TRAIL HERD

By Charles Goodnight

[This description of a cattle drive, written by Colonel Goodnight, is quoted by H. T. Burton in his "History of the J A Ranch," *Southwestern Historical Quarterly,* XXXI, 330–335. An abundance of similar material is to be found in *The Trail Drivers of Texas,* compiled and edited by J. Marvin Hunter (The P. L. Turner Company, Dallas).]

So much has been said and written about the old trails that anything else may seem superfluous. But my trail experience was so long and varied that perhaps what I have to say may be of interest to someone.

The first thing that I did was to make up my mind that I was going to drive and then where to. When this was done I set about collecting the outfit. My first step towards this was to round up fifty or sixty good horses. Then the mess wagon was made ready with provisions to last the time it would take to make the drive. For instance, when the Goodnight Trail was laid off I had to prepare for a six hundred-mile stretch; that being the distance from Young County, Texas, my starting place, to Fort Sumner, New Mexico, where I expected to sell my cattle. In the meantime, of course, I had informed my neighbor stockmen that I was to drive to a northern market and would receive any cattle they wanted to go with the herd. I could always count on the cattle reaching me at a certain time, and was never over three days in putting a herd of three thousand together.

Owing to the danger of the Indians and the stampedes I always got out of the settlements as soon as possible, for cattle that were scattered were much easier traced on the trail than in the settlements, owing to the fact that mine would be the only cattle on the trail. In my drive of 1866, I had to lay out my own trail, as no trail had been made since 1859, and that one not in my direction, when Oliver Loving drove a herd out of Texas. I laid out my course by the aid of maps and my experience in exploring the frontier when I was a ranger, on the frontier during the war. My course led through a trackless wilderness, where fierce nomadic tribes of Indians prowled at will.

I started the herd with eighteen men to drive them. These men were thoroughly drilled regarding their places and duties. I always, of course, selected two of my most skillful men to be my "pointers." These men were to handle the front of the herd and keep them in line on the course given out by the foreman. These pointers were never changed from their positions at the head of the herd. However, they would exchange sides each morning to get some relief from the stifling dust from the herd.

Of course the side men were changed each morning, except the corner men, as it is a fact that the further up the herd, the lighter the work. This divides the horse labor. Besides three hundred miles of the Pecos River is terrific in alkali dust. If you were second coming behind to the right today, you would be third left tomorrow. You would keep going up each day, and changing sides, until you reached the pointers. You then dropped back to first on the right. This was kept up during the whole drive. Each man knows his place and takes it each morning. The rest of the men were divided along the sides in proportion to the length of the herd. I always selected three steady men for the rear. These men were called "drag hands" for the reason that they were to look out for the weaker cattle. Since the speed of the herd was determined by the rear it was the duty of the rear men to see that the stronger cattle were kept forward and out of the way, so that the weaker cattle would not be impeded. This is what we called "keeping the corners." It was necessary to see that the rear of the herd was no wider than the "swing," which was that part between the front and rear. Should this not be done, great loss would be occasioned from overheating; for the heat from so many moving cattle was terrific. If the pointers found that the swing was too long, they simply checked up until the herd was the correct length—one-half mile.

Trail hands were well disciplined and were governed entirely by signals. They were too far from the leader to receive orders any other way. My guards were standing guards, that is to say, that the man who had the first watch the first night would have it all the way through the drive. If you left the choice to the old hands they invariably chose the standing guard.

I had system on my drives. My friends often laughed about it, but the most successful drives were always systematically ordered. We ate breakfast just as day broke. The pointers and two other men who were to relieve the last night guard, ate as soon as possible. If there were signs of Indians the herd was started from its bedding grounds and put to grazing as soon as they could see clear enough to take care of them and provided there were no Indians about; but when there was danger of an attack the herd was kept on the bed ground until all hands were mounted and around them, which

was done in a very few minutes. The cattle were always headed toward the course we were taking. The men ate, saddled and fell into place as soon as possible. It is remarkable that during my ten years on the trail I rarely ever had a man who would shirk his duty; had he been so inclined, he would have been ridiculed out of it. It is certain that no deadheads ever stayed in a cow camp any length of time.

As soon as the cattle had grazed sufficiently, they were put in moving order without delay. A column of cattle would march either slowly or faster according to the distance the side men rode from the line. Therefore, when we had a long drive to make between watering places and it was necessary to move faster, the men rode closer to the line. Under normal conditions, the herd was fifty to sixty feet across, the thickness being governed by the distance we had to go before resting. When the signal was given to start the herd, the foreman would tell the men what width to make the herd. Therefore, the order might be ten feet or twenty feet. Narrowing the string was called "squeezing them down." Ten feet was the lowest limit, for when the line was this width, gaps came and the cattle began trotting to fill in the spaces. Then the pointers would check them in front. The fastest steppers would naturally go up a little; but they were never allowed to trot. After a herd was handled a month or two they became gentler and it was necessary to ride a little closer to obtain the same results.

In laying off a trail the foreman or the owner of the cattle would ride ahead twenty or thirty miles—that is, if he did not find water sooner. He always rode a good horse and explored both sides of the way, in his search for water holes. He preferred to find water holes twelve or fifteen miles apart, but he kept going until he did find water—with this exception, if he found that he was striking a desert, he would return to the herd and inform the men what they should expect. Then they knew that the cattle were to be moved with all possible speed without actually crowding them. The owner then changed horses and rode on ahead once more until he found water; then he would go back and signal to the men. This was kept up until our destination was reached. Our trail was now established and two or three more drives would plainly mark it. This is the way I laid off the Goodnight Trail.

On my first drive across the ninety-six mile desert that lies between the Pecos and the Concho Rivers, I lost three hundred head of cattle. We were three days and nights crossing this desert, and during this time we had no sleep or rest, as we had to keep the cattle moving all the time in order to get them to the river before they died of thirst. I rode the same horse for the three days and nights, and what sleep I got was on his back. As the cattle got closer to the water, they had no sense at all and we had to hold them back as well as we could. When they reached the stream they swam

right across and then doubled back before stopping to drink. During this trip those steers got as gentle as dogs.

After this trip across the desert we made it systematically and there was practically no more loss. And the time consumed in making the drives would not vary two hours. We would leave the Concho at noon and drive that afternoon and all night, the next day and the next night. About ten o'clock the next morning we would reach the Pecos. The mess wagon was always sent on ahead in making these drives and the men would eat and drink as they passed it with the suffering cattle.

But to return to the regular routine of the trail: A herd under ordinary conditions was ready for grazing in the morning at eleven o'clock. At this time the men stopped for dinner, which had been prepared while breakfast was cooking. It was always best to select a grazing ground where the ground met to straddle the trail; so that the cattle could be thrown to each side. If this was done, the foreman or one of the pointers would give the signal to split the herd, by waving his hand each way. The swing hands would fall into the center, turning the cattle both ways. It was a little troublesome the first few days, but the cattle soon learned it. This method brought the herd back into form in half the time it would take if the cattle were all on one side.

After this grazing at noon, the cattle would not eat any more until they got to water, which we always tried to reach before sundown. This gave us ample time to have the cattle filled and everything arranged for a pleasant night. After they had grazed they were bedded for the night. The herd was put in a circle, the cattle being a comfortable distance apart. When the drive was first started and the cattle were fresh, I used a double guard. That is, half the men guarded the first part of the night; the other half the latter part. In storms and stampedes we were all on duty. After the herd had been out fifteen days, it was "trail broke" and four men were sufficient to guard three thousand cattle. If we were out two or three months, the last month two men on duty at a time were sufficient. Each guard slept two hours at a time and a little over, for each guard always stayed up a little over time. It is a fact that the last guard had the shortest hours. After we had been out a month the men could easily stay awake their two hours, and when in camp would not sleep those two hours. We never had a watch to go by, but divided the time by the dipper; it was accurately measured in this way. The guards rode around the herd facing each other; in this way they passed each other twice as they went around. If a rattlesnake was heard in the guard line, the men hearing it informed his companions of its whereabouts and the next morning someone would go and kill it—rattlesnakes do not move at night. Cattle feared a rattler and always gave him a wide berth.

When cattle are first started, the risk of stampedes is great. They

are nervous and easily frightened, the slightest noise may startle them into running. Some cattle are stampeders by nature. The greatest losses occurred in the night when all was utter confusion. A herd was more likely to run on a dark night than on a moonlight night. The remarkable thing about it was that the whole herd started instantly, jarring the earth like an earthquake. We could not divine the course they were taking until they had gone far enough for the sound to guide us—unless they were coming toward us. In that case I led the herd, holding them back as much as possible. As soon as the herd was strung out, we would turn the leaders back. They would circle and go into what was called a "mill," invariably moving to the right (if any old trailman ever heard of a herd moving to the left, I would like to hear from him).

The cattle would run until they were tired and we gradually spread them and they would settle down. We never took the cattle back to the same bed ground, for we knew that they would run again. We always tried to find the highest ground. Once settled they would generally be quiet. As a rule it took several days to rid the cattle of the effects of a stampede. The most successful way I found was to drive them all night. This way had them under control with the men all around them. I placed two of my most skillful men behind at what we called the corners and four more in front. If it was dark and the cattle had been badly stampeded they would not go far until they began to run again; not all of them would be running, however. Strange to say, there would be about one-half the herd that were marching along as though nothing had happened, while the rest of the herd would be going at a mad rate. The stampeders would come up one side at full speed, but when they reached the front the men in the lead would catch them and turn them back on the other side; then the men on the corners would drive them back again. These cattle would run until they were in great distress. We followed this method again the next night and the cattle were cured. They never stampeded again.

On nights when an electric storm was in progress, we could see the lightning playing on the horns of the cattle and on the horses' ears, resembling lightning bugs.

I was the only trailman that I know of who used steer leaders. I conceived this idea after the first trip and found it to be of great advantage. I used two steers. The bells I put on them were of the very best type—ox bells. They were arranged with a strap which would easily stop the clapper. When the signal to graze was given the man in charge of the steers would fasten down the clappers, and turn the steers off the trail. After we had been out for a month, should the clapper come loose at night, the whole herd would be on its feet in no time. The lead steers were of great advantage in swimming the rivers and in penning, for the cattle soon learned to

go where the bell called them. Before starting on a trail drive, I made it a rule to draw up an article of agreement, setting forth what each man was to do. The main clause was that if one man shot another he was to be tried by the outfit and hanged on the spot —if found guilty. I never had a man shot on the trail. When I passed through the ninety-six mile desert, I used to see two lonely graves. At Horsehead crossing where we struck the Pecos, there were thirteen graves. All the result of pistol shots but one. I thought then, as I think now, that all foremen and owners should have been responsible for the lives of their men, not only against the Indians but against each other. I shall never forget the impression made upon me when I would see those lonely graves. The life of some dear brother or father had been snuffed out as a result of a trifle.

Taking all in all, my life on the trail was the happiest part of it. I wish I could find words to describe the companionship and loyalty of the men towards each other. It is beyond imagination. The cowboy of the old days is the most misunderstood man on earth. Few young people of the younger generation realize that the western men—the cowboys—were as brave and chivalrous as it is possible to be. Bullies and tyrants were unknown among them. They kept their places around a herd and under all circumstances; and if they had to fight they were always ready. Timid men were not known among them—the life did not fit them. Today many of the richest and greatest men of Texas were cowboys. Of the hands I employed there are now at least three millionaires. Fewer cowboys have been tried for crimes than any other class of men.

CHAPTER XLVII

THE DEVELOPMENT OF AGRICULTURE IN WEST TEXAS

By W. C. Holden

[This selection is from an unpublished manuscript entitled, *Frontier Problems and Movements in West Texas, 1846–1900.*]

Agriculture, as a major industry in West Texas, could not develop until after a system of transportation was provided. The cattleman could make his herds walk to market, eat free grass and thrive along the way; but the produce of the farmer was dead weight, and the expense of hauling it for great distances made farming unprofitable. Nothing was left for the settlers to do but to raise a few cattle, hogs, some feedstuffs, a bale or two of cotton, live as economically as possible, and agitate for the building of railroads. It was not until after the coming of the railroads that agriculture replaced cattle raising as the principal industry of the country. There were other factors, aside from transportation, which had to be overcome before agricultural development could make much headway, such as the Indian menace, the prevalent idea that West Texas was not a farming country, the antipathy of the cattleman towards the settler, the pests and the drouths.

As long as the Indians made their raids into the frontier settlements, it was impossible for agriculture to make very extensive development, even if all the other obstacles had not existed. Figuratively speaking, the settler had to hold his rifle in one hand and his plow in the other. His eye shifted nervously from the furrow to the trees, bluffs, or ravines surrounding the field. He was in constant danger of having his work stock driven away, his cattle and hogs butchered, his house burned and his family scalped. The matter of obtaining farm labor under such unsettled and unsafe conditions was out of the question. Agriculture except in the eastern edge of West Texas, which was far enough removed from the extreme frontier settlements in 1875 to feel some degree of security, had to wait until the Indian had departed.

The idea was generally prevalent, prior to 1885, that West Texas, especially west of the Cross Timbers, was not an agricultural country. As early as 1865, Sam Newcomb, a school teacher at "Fort Davis,"

recorded in his diary, "Agriculture is not, and doubtless never will be, followed here, owing to the long and awful droughts."

Numerous statements to the same effect are to be found in the newspapers, journals, reports and correspondence from West Texas during the 60's and 70's, and, to a decreasing extent, during the 80's. The newspapers indulged in a lively and serious discussion in 1880 and 1881, over the question, "Is West Texas a farming country?" As late as June 1, 1885, the *Taylor County News* emphatically declared, "The idea that this part of Texas will ever be an agricultural country is a great joke of huge proportions." The impression had been fast giving way since 1881, but the drouth of 1886 confirmed it anew. Although the prevailing belief that West Texas was not adapted to agriculture did not restrict immigration and settlement, it tended to make many settlers hesitate before they abandoned stock raising for farming.

One of the most fruitful sources of the anti-agricultural propaganda was the cattleman. It was in the live stock journals that the strongest arguments appeared to discourage the farmer from going west. The cattleman was one of the gravest obstacles to the settlement of Texas by farmers. Perhaps he was sincere in his contention that the region was intended by the Creator for a cattle country. Incidentally, as long as he could keep the settler back, he could run his cattle on free grass. He wanted the free grass to last as long as it would; and, consequently, he threw every impediment possible before the advance of the settlers. It was not uncommon for many of the cattlemen to use severe methods to intimidate the earlier comers. When an adventurous frontier settler purchased a desirable tract of land located in a cattle baron's range and attempted to settle on it, notice was often served on him that he had better sell out (to the cattleman) and leave the country. If he disregarded the warning, there was a possibility of the affair being settled permanently by a Winchester in the hands of one of the cattleman's trusted cowboys. This practice was not general enough to become the rule, but it did happen. The cattle of the settlers would often get mixed-up on the range with those of the cattlemen. The farmer's cattle, often including the milk cows, would be gathered in the round-ups and driven away. In some counties the farmers were compelled to organize stock associations of their own in order to resist the driving off of their cattle by the cattlemen. In spite of intimidations, the settlers pushed on.

The cattlemen were forced to buy or lease and fence their pastures. This in turn led to the fence cutting war. Fence cutting was indulged in by both the cattlemen and the settlers. The settlers would often purchase small tracts of land along the water courses in a cattleman's range, and fence in the water holes at which the cattle were accustomed to water. The cowboys would then show their con-

tempt for the detested "nester" by riddling the fence. Items like the following are numerous in the newspapers of the time:

> We are informed that Mr. Wise's fence was cut again last Friday night and a coffin nailed to one of the posts as a warning to Mr. Wise to keep quiet about it. It is also reported that a fence enclosing a pasture of 90 or 100 acres near Black Jack Grove has been cut.

On the other hand, the cattlemen often leased all the land surrounding a settler, or a community of settlers, fenced the entire tract, left but a few gates, and put padlocks on them. The settlers would retaliate at the first opportunity by cutting miles of the ranchman's fence. This practice went on for more than fifteen years. Not infrequently, armed bodies of settlers clashed with armed bodies of cowboys.

The death toll in the fence cutting war has never been computed; but the number, if known, would doubtless be astounding. Laws were passed against the practice, but that did not end the trouble. At last, the cattleman stubbornly gave way. His attitude and the impediments he improvised very effectively retarded agricultural development.

Various pests helped to discredit West Texas as a farming region. The grasshoppers made periodical invasions. The destruction they occasioned was often similar to that of a hail storm of widespread proportions. They did unusual damage in 1876, 1884, and to a much lesser degree in 1891. An idea of the numbers and appetites of the grasshoppers in 1876, may be had from the following item from the *Frontier Echo,* September 22, 1876:

> Those red-legged pests made their appearance in this county ten days ago and the damage they have done to cotton is immense. Not a leaf is to be seen on a cotton stalk in this county. A large portion of the bolls, especially those not opened, have been eaten off. Trees and weeds have been stripped of their foliage, dry corn stalks not escaping the hungry pests. Tuesday last, they were moving north from whence they came, flying in such myriads as to resemble white clouds beneath the sun.

The grasshoppers came and went, but the prairie dog constituted a standing foe to the cattleman and farmer alike. It was estimated, in 1884, that the prairie dog destroyed annually grass and crops to the value of more than $1,000,000. Efforts were made to exterminate the prairie dogs by legislative aid, but to no avail. The matter of extermination was left to private enterprise. Anti-prairie dog mass meetings were held. In some communities, it was agreed at these gatherings that each man should poison his own dogs; thus, by concerted individual action the pest would be eliminated in one season. In other communities the citizens would pool their funds, assessing each man according to his acreage, and let contracts to regular prairie dog exterminating companies. The price varied from ten to fifty

cents per acre, depending upon the intensity of the infestation. Contracts for blocks of land containing from ten to fifty thousand acres were frequently let in this way. Both grasshoppers and the prairie dog tended to retard agricultural development, just as wolves and other predatory animals hindered the sheep industry.

No doubt, the greatest of all the obstacles, especially after the Indians were permanently located on the reservations, were the drouths. It was the extensive dry weather that caused the prevalent idea that West Texas would never be a farming country. The farmers gradually learned by long, and sometimes bitter, experience how to withstand the ordinary dry weather. They discovered what to plant, when to plant, and how to till the crops.

The precursors of agricultural development were the immigrants. The Mexican War tended to check immigration from 1846 to 1848; but, in 1849, the lure of cheap land in Texas was second only to that of the gold in California. During November of that year more than 5,000 movers, Texas bound, crossed the Arkansas River, at Little Rock. Of 315 wagons crossing at one ferry alone, 214 were going to Texas. The frontier settlements at the time extended roughly from Cooke County on the Red River to Fredericksburg and thence to Corpus Christi, running just west of San Antonio. Once started, the never ending column of immigration moved steadily on for the next ten years. During November and December of each year the covered wagons on the main roads were seldom out of sight of each other. On November 2, 1850, the *Northern Standard* observed:

> For the last two weeks scarcely a day has passed that a dozen or more mover's wagons have not passed through our town. Most of the immigrants we have seen appear to be well prepared to meet the hardship, expense and inconvenience attending the establishment of new homes in the wilderness.

On December 6, 1851, the same newspaper said:

> Day after day it comes increasingly. Whenever we step to the doors or south windows of our office, looking out upon the square, we see trains of wagons halted, until supplies are purchased and inquiries made about the country and the roads. . . . Upon the southern line of travel through the state, as we hear, there is the same ceaseless stream, ever moving westward.

On November 11, 1854, the *Standard* stated: "The town is almost daily filled with wagons of immigrants from Tennessee, Kentucky and Alabama." Again on December 11, 1858, the same newspaper commented: "Immigration exceeds everything we have have ever seen. At least fifty wagons per day pass through Clarksville."

In 1860, the extreme frontier line of settlement extended roughly from Henrietta in Clay County, to Fort Griffin in Shackelford County, to Kerrville in Kerr County, and thence to Del Rio in Val Verde County. Immigration practically ceased during the Civil War.

It was resumed to some extent in 1866, but the newcomers did not settle near the frontier. There was still plenty of reasonably cheap land to be had in the Grand Prairie and Black Prairie regions of Central Texas, and the immigrants preferred to pay a higher price for it than to take their chances in the country exposed to Indian depredations. Although many people who had fled from their homes west of the Western Cross Timbers in 1866 and 1867 had returned in 1868 and 1869, the census of 1870 shows that the extreme frontier was considerably further east in 1870 than in 1860, and that the population of all the counties west of the Western Cross Timbers was decidedly less in 1870 than in 1860. The frontier settlements advanced slowly, but steadily in the face of the Indian depredations, and by 1875 they had reached the line of federal military posts.[1] After the decisive Indian campaigns in 1875, immigration increased tremendously. The movement for the next twenty-five years reached, and even exceeded, that of the 50's. People came in wagons, on horseback, and, after 1881, by train. They came as individuals, as families and as colonies. In the spring of 1878, 400 German families from Indiana arrived in Baylor County. They purchased 100,000 acres of land at one dollar and a half per acre and paid cash for it. In the fall of the same year a small party of settlers under the leadership of Hank Smith, a typical and energetic frontiersman, from the vicinity of Fort Griffin, trekked more than a hundred miles beyond the line of military posts and founded a settlement in Blanco Canyon, Crosby County. The next year, 1879, a colony of Quakers from Indiana and Ohio under the leadership of Paris Cox purchased eighty-two sections of land in Lubbock and Crosby counties and established a settlement at Estacado in Crosby County. By 1880, the settlements had reached the hundredth meridian, and a few advanced settlers were widely scattered in the region between the hundredth and hundred and second meridian. Before 1890, the extreme frontier was entirely gone and the more intense settlement had reached the foot of the Plains. During the decade, 1890–1900, the settlers began a penetration of the Llano Estacado.

The transition from cattle raising to agriculture as the predominant industry was slow. A twilight zone varying from fifty to two hundred miles in width intervened. The length of time necessary for a locality to pass from one stage to the other was from ten to twenty years. The settler, by buying the land in small tracts and fencing it, pushed the cattleman westward. He raised a few cattle, perhaps some sheep, planted a field of feedstuffs, corn, sorghum cane, and later, kaffir corn and milo maize. As the years passed his fields

[1] The line of military posts consisted of Fort Duncan at Eagle Pass, Fort Terrett in Edwards County, Fort McKavett in Menard County, Fort Concho in Tom Green County, Fort Griffin in Shackelford County, and Fort Richardson in Jack County.

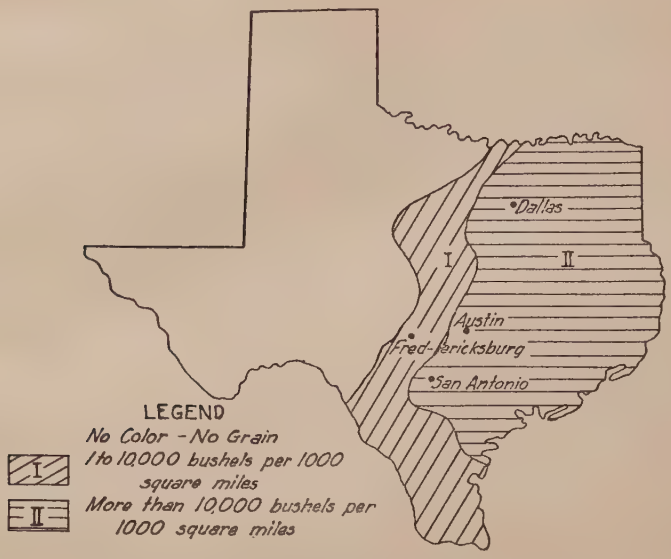
tended to become larger and his herd of cattle and his flock of sheep smaller.

The advance of the grain frontier (corn, wheat and oats) across West Texas is fairly indicative of the westward movement of the farmer. A small amount of grain was grown in the extreme eastern part of the area before 1850. During the next ten years the grain frontier moved from seventy-five to one hundred miles west. In 1870, it was practically where it was in 1860, but the intensity of production within the settlements showed a marked increase; 2,360,514 bushels were raised in 1870 compared with 343,621 bushels in 1860. In the decade, 1870–1880, the frontier underwent a tremendous change, especially in the southwest. The territorial expansion for the period was decidedly out of proportion to the intensity of grain production. During the next decade the grain frontier vanished, and by 1890 some grain was being raised in all the arable sections of the state. Extensive cultivation had begun along the eastern edge of the plains. Notwithstanding the set-back of the drouth of 1886, the production increased fourfold during the ten-year period. The settlement of the country and the opening of new farms continued steadily through the decade, 1890–1900. The production at the end of the period was 40,238,000 bushels as compared with 28,465,534 bushels in 1880.

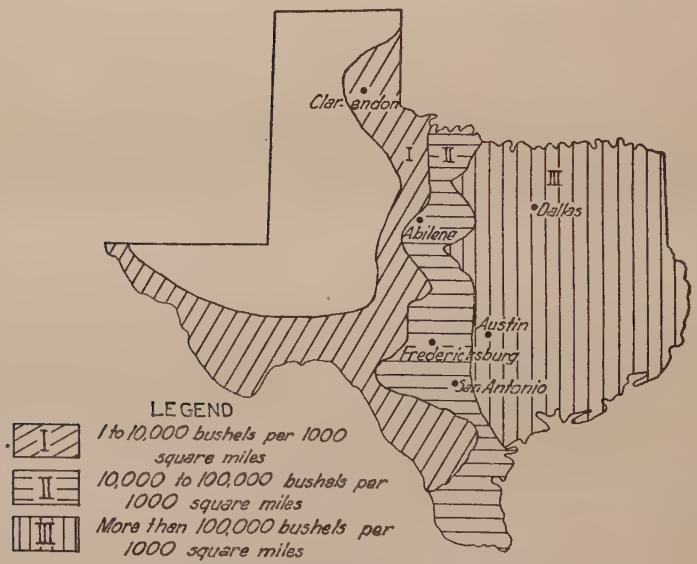
The one thing which marked the end of the period of transition and the beginning of the supremacy of agriculture was cotton. It was the chief money crop, and after the cotton frontier had once reached a given point, the stock farmer, in the course of a few years, became a cotton farmer, provided the vicinity was at all adapted to the raising of cotton.

Prior to 1850 no cotton was raised in West Texas. Between 1850 and 1860, the cotton frontier was pushing westward for a distance varying from twenty-five miles west of San Antonio to a hundred miles west of Fort Worth, but cotton raising within this region was in the experimental stage. The yield did not average more than fifty bales to the county in 1860. The Civil War and the Indian depredations of 1866 and 1867 caused the cotton frontier to lose ground during the next decade. In 1860, 188 bales were raised west of the Western Cross Timbers compared with eighty-seven bales in 1870. West Texas as a whole made a gain during the decade; 879 bales were reported in 1860, and 6,878 in 1870. The climatic conditions of the two years were about the same. The increase was in the tier of counties between Blanco and Denton counties. In this region cotton had become the predominant money crop.

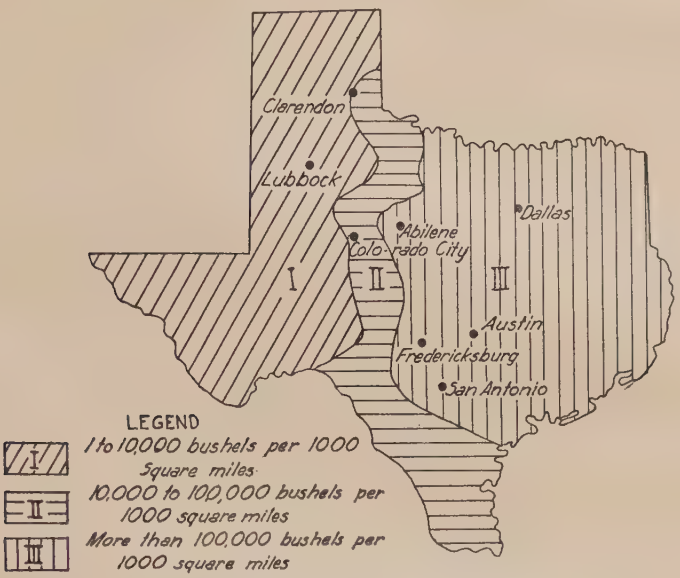
The cotton frontier advanced slowly between 1870 and 1875; but, beginning in 1875, it gained a momentum which it never lost until it had swept across the state. During the decade of 1870–1880, it moved about a hundred miles in the northwestern and about twenty-five miles



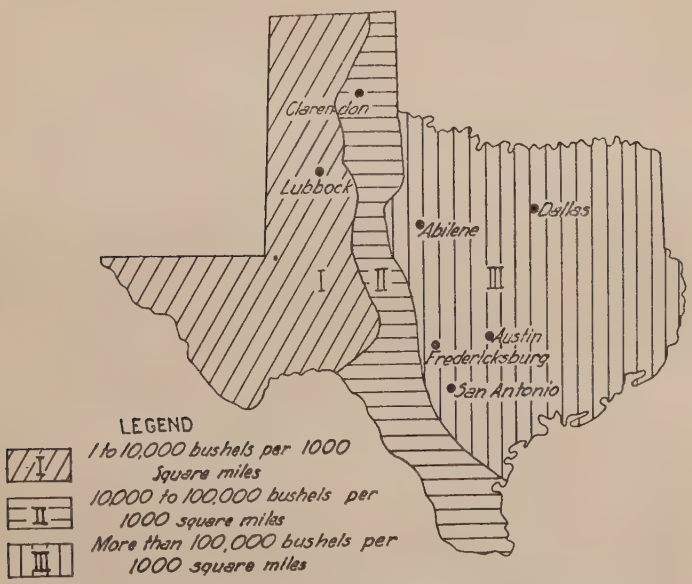
MAP SHOWING DISTRIBUTION OF GRAIN FOR 1860.
BASED ON FEDERAL CENSUS, 1860.



MAP SHOWING DISTRIBUTION OF GRAIN FOR 1880
BASED ON FEDERAL CENSUS, 1880

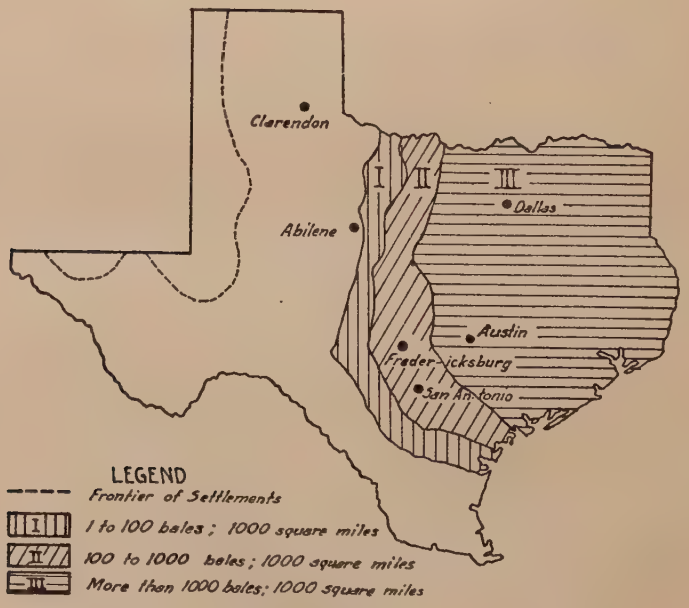


MAP SHOWING DISTRIBUTION OF GRAIN FOR 1890
BASED ON FEDERAL CENSUS, 1890



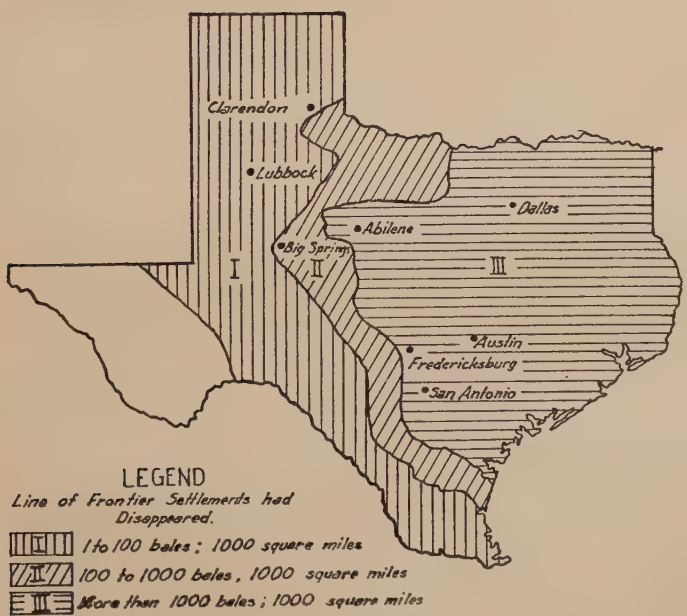
MAP SHOWING DISTRIBUTION OF GRAIN FOR 1900
BASED ON FEDERAL CENSUS, 1900

DISTRIBUTION OF COTTON, 1860
BASED ON FEDERAL CENSUS, 1860



DISTRIBUTION OF COTTON, 1880
BASED ON FEDERAL CENSUS, 1880

DISTRIBUTION OF COTTON, 1890
BASED ON FEDERAL CENSUS, 1890



DISTRIBUTION OF COTTON, 1900
BASED ON FEDERAL CENSUS 1900

in the southwestern parts of the state. By 1876, a few gins had been built in the tier of counties between Bandera and Clay counties. The gins helped to stimulate production. The cotton had to be hauled to the railroad points of Fort Worth, Austin, or San Antonio. A farmer could haul three bales of ginned cotton as easily as he could haul one bale of seed cotton. Total production increased from 6,878 bales in 1870, to 79,181 bales, in 1880.

The decade, 1880–1890, witnessed a great advance of the cotton frontier as well as increase in total production. The average advance was about one hundred miles along the entire cotton frontier. The production in 1890 was 250,452 bales. The phenomenal increase was due to railroad transportation. With railroad facilities nearer at hand, the stock farmers regarded cotton culture more seriously, notwithstanding the fact that many of them west of the Western Cross Timbers were still skeptical as to whether cotton could ever be grown profitably. The greater part of the development of the decade came in the last three years. Very little cotton was raised in 1885, practically none in 1886, and the yield was less than normal in 1887. Abilene shipped 2,061 bales in 1888 and 10,000 bales the next year. In September, 1888, the first bale ever ginned west of Abilene was sold at Sweetwater. Two years later more than 5,000 bales were shipped from the various railroad stations between Abilene and Big Spring.

During the next decade, 1890–1900, the cotton frontier practically disappeared. By 1900 a little cotton was being raised everywhere that the soil and climate permitted. East of the caprock of the Plains the farmers were relying on cotton as the main money crop. The plains region was still primarily a cattle country, but a few small patches of cotton were to be found, widely scattered, over the entire area. The increase in production during the period was not as great as might be expected.[2] The year, 1900, brought a production of 354,446 bales, which was an increase of 104,000 bales over 1880. By 1900, agriculture may be said to have been paramount as far west as the 101st meridian.

Pecan raising received a marked stimulus as a result of the drouth of 1886. Pecan trees grew along the courses of practically all the streams east of the hundredth meridian. No pecans were raised in 1886, but the following year an excellent crop was made. The field crops were short that year. The pecans were gathered, and, in some counties, brought more money than the cotton, wheat and oats combined. This fact made a profound impression on the people, since the crop came at a time when money was badly needed. The idea

[2] The price of cotton may have had something to do with the greater proportional increase in cotton production for the decade, 1880–1890, than in the following decade. Between 1880 and 1890 the average price of cotton was about ten cents a pound; between 1890 and 1900, it was less than eight cents a pound.

became general that pecans had drouth resisting qualities. For the next three years there was a great amount of agitation in the newspapers; the people were urged to care for, cultivate, and improve the trees they already had, and to plant pecan orchards. One enthusiast, a citizen of Brown County, planted four hundred acres in pecans in 1890. After a time, interest in the pecan business waned and no more was heard of it. Good pecan crops continued to be made every few years, but the people ceased to think of pecans as a substitute for cotton as a regular money crop.

When the first settlers reached Blanco Canyon, Crosby County, in 1878, they found hundreds of acres of wild currants growing there. An attempt was made to commercialize the currant business. The settlers gave the matter wide publicity by sending complimentary boxes of the fruit to eastern newspaper editors. All efforts proved futile, and after a few months the currant business dropped from sight.

By 1889, considerable interest was being manifested in fruit trees. The fruit tree agent was busy, visiting every farm house in the country, on horseback or in his buggy, and showing the farmer and his family large, wonderfully colored pictures of this juicy peach and that delicious apple. Almost every farmer, after he settled in West Texas, bought a number of trees and attempted to start an orchard. His efforts came to naught far oftener than they succeeded. The soil of the greater part of West Texas was not adapted to the raising of any kind of trees other than the native mesquite. Orchards could be successfully grown only in those communities which had a deep sandy soil.

The planting of Johnson grass became widespread during the 80's and 90's. The plant was hearty, and it had excellent drouth resisting qualities. It matured quickly and made good hay. Once started, it was next to impossible to get rid of it. The more one would plow, harrow and break its roots, the thicker it would grow and the more it would spread. Although the farm journals warned the farmers not to plant it, the merchants continued to ship the seed in by the car load, and the farmers continued to sow it. The farmers of East Texas began petitioning the Legislature in the late 80's to pass a law, making the sowing of Johnson grass illegal. Finally, an act was passed in 1895 forbidding the sale or gift of the seed or roots of the grass. A feature of this law prohibiting the sowing or planting of Johnson grass on land not one's own property was evidently aimed at tenants. The press in West Texas vigorously denounced the measure. Local public opinion was strongly against the law, and it could never be enforced. The farmers kept on planting Johnson grass, much to their later chagrin.

The low price of cotton from 1890 to 1900 caused the newspapers, farm journals and public-spirited persons to wage a never-ending

campaign in an attempt to get the farmers to diversify. The farmers were urged to take up stock raising again as a complement to cotton raising, but cotton has always been truly a "king." Once he invaded a new country and became established, he would tolerate no rivals. A farmer who had raised cotton was loath to give it up, even though he was aware that he was courting financial ruin by continuing to depend upon it.

An effort was made to get the people to take up bee-tending. A number of farmers did try it half-heartedly. Several bee raisers' associations were organized in different sections. Their existence was brief, for conditions for bees were generally unfavorable in West Texas with the exception of a district in the southwest in the vicinity of Uvalde County. The farmers' wives were urged, with some very appreciable results, to do extensive canning of fruits and vegetables. The culture of castor beans was recommended. In 1889, some authority on the farmer's woes advanced the idea that broom corn would be the farmer's salvation. The newspapers took it up. Wonderful tales were related as to its drouth resisting qualities, how the immense yields of broom straw would constitute a money crop, how the plant produced as much forage as sorghum cane, and how from $20 to $40 worth of seed per acre could be threshed from the heads. A few farmers tried a small patch of broom corn, but for various causes found they had better stick to cotton. During the unusually favorable seasons of 1890 and 1891, a number of ingenious local editors advised their readers to plant tobacco as an experimental crop. A few of them did try it, but neither the soil nor the climate were adapted to its growth.

A noticeable thing about the diversification campaigns of the decade, 1890–1900, was that no one suggested hog raising. People raised hogs for domestic purposes, but nobody said anything about hog raising as a source of money returns. The reasons for the silence on this subject are problematical. Perhaps it was due to a general idea that hog raising belonged to a timbered country where a heavy mast was available. It is true that the price of hogs during the period was low, but, compared with cheap cotton, they might have been profitably raised, especially during years when a surplus feed crop was made.

The West Texas farmer had one trait which he usually acquired after his arrival in the country, and a trait which his eastern brother did not have, an aversion for all kinds of walking farming implements. When he immigrated to the west he carried with him, as a rule, the farm tools he had previously used, which consisted of a walking turning plow, a walking planter, and a walking cultivator. He had scarcely arrived when he began to develop a strong dislike for walking. The reasons were two-fold. In the first place, an aversion for walking was an indigenous trait of the country. The Plains Indians,

especially the Comanches, had a profound contempt for walking as a means of locomotion. A Comanche off of his horse was indeed an awkward sight. The cowboy had an uncanny endurance as long as he was on horseback. He could stay in the saddle for days and nights at a time under the most strenuous circumstances, but to ask him to walk for an hour, even when he was fresh and rested, was the surest way to break down his morale. When the farmer arrived he found the same natural influences silently working on him. In the second place, the amount of ground one man could cultivate in West Texas was so much greater than that one man could till in a country where stumps, rocks, and grass prevailed, that much more walking was necessary for the requisite amount of plowing and cultivation. The result was that the newcomer, as soon as possible, exchanged his turning plow for a sulky plow, his walking planter for a riding planter and his walking cultivator for a riding cultivator.

A method of dry land farming gradually developed. The average settler had a profound contempt for scientific farming, "book farming" as he called it. After experiencing a few dry spells, he developed a system of his own. He seldom deliberately carried on experimentation; but he learned items from his neighbors, and made the most of his own successes and failures. The fundamental principles of dry land farming were simple. It stood to reason that if in an average year there were a limited amount of rainfall, two things must be done. First, the soil must be cultivated in such a way as to catch and retain the greatest amount of moisture; second, crops must be planted which had the most powerful drouth-resisting strength. Both reason and experience taught that the land should be broken deep early in the season in order to catch the winter rains. If the crops were planted as early as possible in the spring, it would tend to enable the plants to mature before the extremely hot weather of midsummer. It was possible to plant feed crops late in the summer. They could then get their growth in the cooler weather of early fall. In either case the fields had to be cultivated frequently in order to keep a loose mulch on the surface of the ground. The mulch broke up the capillary action in the ground, and made it possible to retain the greatest amount of moisture for the use of the plants. Milo maize and kaffir corn came in time to be recognized as having drouth resisting qualities. In the later years they almost entirely replaced corn as a feed crop. Certain types of sorghum cane and cotton plants were found to be better adapted to dry weather than other types.

The settlers who migrated to West Texas during the period when agriculture was replacing cattle raising as the leading industry witnessed an exciting, colorful, picturesque, and, in earlier times, dangerous, period of history. They saw the Indian sullenly retiring to his reservation, and the cattleman doggedly retreating to the arid region of extreme southwest Texas and New Mexico. They watched the

last cattle drives go up the trail, and endured with dull fortitude the blighting effects of the West Texas drouths. They awaited the coming of the railroads with fervent expectancy, and enthusiastically talked about imaginary mineral deposits. They danced, ran horse races, drank strong liquor, went to camp meetings, got religion, became prohibitionists, and were content with their home-made amusements. Meanwhile, agriculture was slowly becoming supreme.

CHAPTER XLVIII

SUGGESTIONS FOR THE STUDY AND WRITING OF LOCAL HISTORY

By Walter P. Webb

[These suggestions were prepared by Professor Webb for the guidance of high school students who enter the local history contest which he has conducted for some years at the University of Texas. The selection is adapted from *The Texas History Teachers' Bulletin*, XII, 7–15 (October 22, 1924).]

Local history is the history which may be found in your own community. It is the history of your school, your church, your town, courthouse, or of some interesting person. The story of an Indian fight that occurred near your home is local history, as is the account of a drought, a flood, or a fire. Local history is not the story of important men or of great events. It is likely to be the story of the unimportant. In detail it is likely to be extremely interesting; in the aggregate it is of great importance. From both points of view it is worth having.

Subjects for Local History

The subjects for local historical essays are too numerous to catalogue. The pupil is free to choose anything that interests him and that seems to offer sufficient material. The following list is meant to be suggestive. Study this list carefully and pick out a subject that is adapted to your particular community.

1. History of the County.
   a. First settlement.
   b. Name of town.
   c. First town.
   d. Location of county seat.
   e. Historic events that have happened in the county.
   f. Part the county has taken in national affairs.
2. History of the Town.
   a. First settlement, reason for, date.
   b. Name of town.
   c. Coming of railroad.
   d. Other important events.

3. History of Buildings and Institutions.
   a. Courthouse.
   b. Churches.
   c. Forts.
   d. Missions.
   e. Newspapers.
   f. Schools.
   g. Residences.

   Where possible, pictures of the bulidings should be submitted along with the essay.

4. History of Development of Natural Resources.
   a. Mines.
   b. Oil fields.
   c. Mineral wells.
   d. Farms and ranches.

5. History of Foreign Settlements.
   a. German.
   b. Italian.
   c. Polish.
   d. Jewish.
   e. Swedish.
   f. Bohemian.
   g. Slavic.

6. History of Your Own Family. The advantage of writing on this subject is that you would have access to all the materials which your family has preserved.

7. Biography of Interesting Persons.
   a. Soldiers.
   b. Texas Rangers.
   c. Politicians.
   d. Preachers.
   e. Farmers.
   f. Cattlemen, Cowboys, Trail Drivers.
   g. "Bad Men."
   h. Sheriffs and Peace Officers.
   i. Old Settlers.

   Pictures of these persons should be obtained when possible.

8. History of Events.
   a. Indian fights and Indian treaties.
   b. Political campaigns.
   c. Cattle stampedes.
   d. Droughts.
   e. Floods.

f. Feuds.
g. Revival meetings.
h. Law suits.
i. Fairs.

9. Miscellaneous. Under this head may be placed subjects that do not seem to come under the above headings, for example, local legends, stories of mines, legends about old houses or forts. In writing avoid "boosting" your town or county. Give the facts and let them speak for themselves.

Sources of Local History

The materials from which history is written are called the sources of history. In this contest, historical sources are classified as: (1) oral, (2) published, (3) unpublished or manuscript sources. Each of these is discussed briefly and illustrated.

1. Oral Sources. In writing local history, oral sources are of much importance. This material can be gathered only by talking with the people of the community, old settlers, soldiers, Indian fighters, county officers, and others. It is often very interesting to gather this material, and in doing so, one hears many curious tales of "the good old times." These accounts should be written down in a notebook just as they are given, with the date and the full name of the narrator. Thus the oral source will be reduced to a written source. The oral source is not the best historical source, but in local history it is indispensable, and often has a human interest lacking in the written sources.
2. Printed Sources. There are three classes of printed sources which may be found in studying local history: books (including pamphlets), magazines, newspapers.
   a. Books. Outside the cities there are few books that deal with local affairs. However, a thorough canvass should be made for such as exist. There are histories of several counties, and where these exist they should be consulted. All books dealing with your particular locality should be consulted, but essays should not be based wholly on books.
   b. Magazines. Magazine material is likely to be more difficult to find than material in books. Though there are certain Texas magazines which will prove valuable provided you can get access to them. *Frontier Times,* published by J. Marvin Hunter, Bandera, Texas, *The Southwestern Historical Quarterly,* published by the Texas State Historical Association, Austin, and *The Southwest Review,* published by P. L. Turner Company, Dallas, are examples. If

these magazines have published articles about your locality, you may find copies of them in some home.

c. Newspapers. Newspaper files will prove a most valuable source. Every town has its local paper, and every editor keeps a file of his own paper which goes back over a period of years. The local editor will gladly give you permission to read these files. If you wish information about some important event that occurred in the town in September, 1900, you can turn to that date in the newspaper and find the accounts which were written of this event.

3. Unpublished Sources. There are many varieties of such sources, some of which will be listed below.

a. Letters. Letters are perhaps the best historical sources. If you are writing an account of a soldier who was killed in war, his letters to his family and to his friends will be of greatest value. Every family preserves certain letters, and many families preserve all their letters over a long period of years. It may be that you will find among these files letters of famous men. There may be letters from generals, governors, or other important historic characters.

b. Diaries. It is often the case that some individual has kept a diary in which he recorded from day to day his experiences. For example, one man in San Antonio went with a cattle herd from near San Antonio to Kansas. Each day he wrote down the things that happened that day. This diary makes a valuable source for the history of the Cattle Trail. Pupils should canvass the whole town and community for such diaries.

c. Scrapbooks. Scrapbooks are less valuable as source material than letters and diaries, but still they are worthwhile. In them you are likely to find odds and ends of newspaper clippings, pictures, verse, and various items which happened to interest the maker. Sometimes you may find a combination diary and scrapbook.

d. Reminiscences. It is often the case that some person will write an account of his life, or of interesting events which he has witnessed, and never publish it. One man may write a long account of his experience in the Civil War in order that he may leave the record for his children and grandchildren; another a history of his county; a third the history of the town. An effort should be made to discover any such manuscript. The county courthouse is rich in manuscript sources. The surveyor's office, the county clerk's office, the county school superintendent's office, and other offices are filled with records about land, marriage records, and school affairs.

Where to Look for Material

In the discussion of sources, the probable location of material has been indicated. However, for the convenience of the pupils and for the sake of thoroughness, a fairly complete list of "places to look" is set down.

1. Homes. The homes of old families will yield the richest historical material. Private letters, diaries, scrapbooks, all will be found in the homes. Scrupulous care must be observed in using these sources. Unless the owners are convinced that their material will be carefully handled and not injured in any way they will prefer not to lend it for use.
2. Public Library. In towns and cities that have a public library pupils will be able to find newspaper files, books and other records of interest. The librarian will be glad to aid and advise you.
3. Local Historical Society. In many places there are local historical socities whose members devote themselves to the study of local history. These frequently contain collections of material which will be of great service. Consult the president, secretary, or librarian of your historical society.
4. Newspaper Office. The local editor will always have in his office a file of his own newspaper over several years, and may have files of other papers too. By all means consult these files, and talk with your editor about subjects in which you may be interested.
5. The County Court House. In the offices of the county court house you will find the public records of the county. You should talk with the various county officers; and, if possible, get access to their records in which you are interested. This may not be an easy matter, but if you are tactful, you can secure much material.
   The following officers should be visited:
   a. County Judge, who can give information about political conditions, and about famous cases that have been tried in court.
   b. County Clerk, who records all the public transactions in the county, land deeds, marriage certificates, etc.
   c. Sheriff, who can give information about criminals, lawbreakers, and important cases that have been tried in court.
   d. Surveyor. The surveyeor will be better acquainted with the county than any man you will find. He can give information about old land marks, Indian encampments, land disputes, and law suits.
   e. County School Superintendent. In his office you will find the records pertaining to the schools of the county. From

the Superintendent you can learn when schools were established, how they were built, and how they developed.

6. The City Hall. In the city hall you will find the records for the city. You should consult the police department and the fire department for information.
7. Individuals. In every town and community there is some individual who is a teller of good stories, some one who is full of reminiscences of the past. It is fun to draw out these stories and write them down. There is no rule by which you can find these individuals, but you will recognize them when you find them. They may be as full of legends as of fact, but in this case the legends are valuable too, provided they are of local interest. The legend often represents what the people think is true, and it is therefore of historical importance.

Steps in Writing Local History

After the student has chosen his subject and located the material, he should then proceed in a systematic manner to the perparation for the writing of the essay. This preparation will consist of two parts: (1) Reading and Note-taking, and (2) Organizing and Writing.

Directions for preparation of paper:[1]

1. Reading and Note-Taking.
   a. Having chosen your subject in consultation with your instructor, begin to collect your material. Read the books and whatever material you may find on your subject in order to get the facts well in hand.
   b. Take notes on all that you read or hear that bears on your subject. This note-taking is of the greatest importance. Your notes may be taken from books, magazines, newspapers, scrapbooks, or from narratives which are told to you. But take these notes *you must.* Take notes on *loose cards* or *sheets* of paper of convenient size. You may use a bound note-book in getting oral stories, but you can later transfer these notes to cards or loose sheets.

Place but one note on each page. Write on but one side of the paper. Write the subject of the note at the top and the reference at the bottom, using (in case of a book) the last name of the author, title in abbreviated form, volume and page. In taking oral stories, note the name and initials of your informant, and the date on which you heard the story.

[1] These directions are taken largely from Tryon, *The Teaching of History in Junior and Senior High Schools,* pp. 139ff, a book that every teacher would find of great value.

c. Before leaving a reference on which you have taken notes, secure your complete bibliographical data. For a book give the author's full name, title of work, date and place of publication, and the volume number. For magazines and newspapers, give name of publication, date of the issue you have used, and the page. Also, where possible, give name of author of the article.

d. In taking notes you may paraphrase, quote directly, summarize, or outline. The first and second of these forms will prove of the most value when you come to write your paper. Occasionally thoughts will come to you when reading a reference; if they do, jot them down at once.

e. All notes should be legible. Great care should be taken with direct quotations, where spelling, puncutation, and capitalization must be exactly as they are in the matter quoted. To make sure of this on finishing your copy always check it against the original.

2. Organizing and Writing.

a. When you have finished your reading, go through your notes and classify them. They will be likely to fall into three or four large groups.

b. Make a brief outline of the paper as you propose to write it. You should write with the greatest care. Make every effort to present the facts clearly and accurately.

c. Form for completed paper.

(1) On the first page write nothing but the title.

(2) On the second page give a brief foreword or preface. In this state what you have tried to accomplish in your paper, your point of view, and special difficulties you have had. Tell briefly how you collected your material, whether it is based primarily on books, magazines, newspapers, unpublished letters and manuscript, or on oral report. If you are writing about your family, do not say "My father, etc.," but call the person by name.

(3) On the page following the preface repeat the title; skip two spaces or lines and begin the body of your paper.

(4) Place the bibliography last. Include in the bibliography only references actually used in the preparation of your paper and arrange them in alphabetical order.

(5) Write your final draft on regular typewriter paper, size 8½x11. Leave a wide margin on the left and double space the lines.

3. Footnotes. Footnotes will not be required in this contest, but they may be used to advantage in certain instances. It is particularly advisable to use footnotes when giving direct quota-

tions, as it saves giving the name of the author and title of the book in the body of the paper. The footnotes should be placed at the bottom of the page.

4. The Complete Bibilography.
   a. Confine your bibliography to the titles actually used in working up your paper.
   b. Arrange it alphabetically by authors.
   c. The order of detail is illustrated below:
      Olmstead, F. L., *A Journey in the Back Country.* New York, 1860.
   d. Include in the bibliography the full name and address of all persons who contributed material to your essay.

BOOK LIST

The list which follows contains the books from which selections have been taken, whether in print or out of print, and a few of the most useful available references for additional reading.

Barker, Eugene C., *The Life of Stephen F. Austin* (P. L. Turner Company, Dallas, 1925). A careful study of the history of Texas and of its relations with Mexico and the United States, 1820–1836. $5.00.

Barker, Eugene C., *Mexico and Texas, 1821–1835* (P. L. Turner Company, Dallas, 1928). An analysis of the causes of the Texas revolution. $2.50.

Barker, Eugene C. (editor), *The Austin Papers,* three volumes. Volume I, in two Parts, was published by the Government Printing Office, Washington, D. C., as Volume II of the *Report* of the American Historical Association for 1919. Volume II was published in the same way as the *Report* of the same association for 1922. These two volumes, in three Parts, can be bought at a nominal price from the Superintendent of Documents, Washington, D. C. Volume IV was published by the University of Texas Press, and can be bought of the Press for $4.00. The *Austin Papers* are an invaluable source for the history of Texas from 1820 to 1836.

Barker, Potts, and Ramsdell, *A School History of Texas* (Row, Peterson and Company, Evanston, Illinois). This book, though designed for pupils in the sixth grade, is useful for carrying on the narrative between the selections given in these *Readings.* It contains, in the Appendix, a detailed outline of Texas history which will assist the student in organizing the material in the *Readings.*

Binkley, William C., *The Expansionist Movement in Texas, 1836–1850* (University of California Press, Berkeley, 1925). A careful study of a phase of the history of the Republic of Texas.

Castañeda, Carlos E. (editor and translator), *The Mexican Side of the Texas Revolution* (P. L. Turner Company, Dallas, 1928). Contains accounts of the Texas campaign by Santa Anna and other Mexican generals and participants in the campaign. $5.00.

Clark, R. C., *The Beginnings of Texas, 1684–1718* (University of Texas Press, 1907). An excellent study from Spanish and French sources of the beginning of international rivalry in Texas. Out of print.

Dobie, J. Frank (editor), Publications of the Texas Folklore Society: Volume IV, *Legends of Texas* (1924); Volume VI, *Texas and Southwestern Lore* (1927). These volumes contain a wealth of illustrative material and offer many suggestions for original investigations in local history. They can be had from the Texas Folklore Society, Austin. $2.50 each.

Eby, Frederick, *The Development of Education in Texas* (The Macmillan Company, New York, 1925). A comprehensive survey of the history of education in Texas. $2.50.

Eby, Frederick, *Education in Texas: Source Materials* (University of Texas Press, Austin, 1918). This is a valuable compilation, containing 963 pages of source material on all phases of the history of education in Texas. Price on application to the University of Texas Press.

Gammel, H. P. N. (compiler), *Laws of Texas,* ten volumes (Gammel Book Store, Austin, 1898). A compilation of the laws of Texas, 1821–1897. Volume I is especially valuable for the colonial history of Texas.

Garrison, George P., *Texas: A Contest of Civilizations* (Houghton Mifflin Company, Boston, 1903). An excellent brief presentation of Texas history for the Spanish and early Anglo-American periods, 1528–1845. It has a useful but very sketchy account of the period of statehood from 1846 down to 1903.

Garrison, George P., *Diplomatic Correspondence of the Republic of Texas,* three volumes. Published by the Government Printing Office, Washington, D. C. The volumes can be bought at a nominal price from the Superintendent of Documents.

Gulick, Charles Adams and others (editors), *The Papers of Mirabeau Buonaparte Lamar,* five volumes (Texas State Library, Austin). Lamar collected these documents with the purpose of writing a history of Texas. They are therefore comprehensive in character and are especially valuable for the history of Texas during the periods of colonization and Republic. Sold at a nominal price by the State Library.

Hunter, J. Marvin (compiler and editor), *The Trail Drivers of Texas* (P. L. Turner Company, Dallas). A mine of biographical and historical material relating to the cattle industry and to cattle men.

Johnson, F. W., *Texas and Texans,* edited and brought down to date by Eugene C. Barker and E. W. Winkler. Contains Johnson's manuscript of the history of Texas from 1820 to 1836, with supplementary chapters by the editors bringing the narrative down to 1898. Out of print.

Miller, E. T., *A Financial History of Texas* (The University of Texas Press, Austin). This is an exhaustive study of the financial history of Texas from 1821 to 1916.

Payne, Leonidas Warren, Jr., *A Survey of Texas Literature* (Rand

McNally and Company, Chicago, 1928). A brief historical study of the writings of Texans. Fifty cents.

Potts, Charles S., *Railroad Transportation in Texas* (University of Texas Press, Austin, 1909). The only comprehensive study of the history of transportation in Texas. Unfortunately the book is out of print.

Quarterly of the Texas State Historical Association and the *Southwestern Historical Quarterly,* thirty-two volumes down to 1929. Published by The Texas State Historical Association, Austin, Texas. The first fifteen volumes bear the title, *Quarterly* of the Texas State Historical Association; the new title, *Southwestern Historical Quarterly,* begins with Volume XVI. This magazine, as can be seen from the references in these *Readings,* is an invaluable source for original documents and special studies in Texas history. Complete files of the *Quarterly* can be bought from the Association by addressing the Secretary, Austin, Texas.

Ramsdell, Charles W., *Reconstruction in Texas* (Columbia University Press, New York, 1916). The best study of the political and social history of Texas from 1861 to 1874. $3.00.

Rives, George Lockhart, *The United States and Mexico, 1821–1848,* two volumes (Charles Scribner's Sons, New York, 1913). Volume I is an excellent study of Texas history, with the emphasis on its international relations, from 1820 to 1846. $8.00 for the two volumes.

Smithwick, Noah, *The Evolution of a State* (Gammel Book Company, Austin, 1900). An entertaining and valuable volume of reminiscences of the period of Anglo-American colonization of Texas. It is out of print.

Southwestern Political Science Quarterly (edited chiefly by members of the faculty of the Department of Government, University of Texas). Nine volumes, to 1929. This magazine is a valuable supplement to the *Southwestern Historical Quarterly,* containing many articles on social, economic, and political phases of Texas history. Current numbers can be bought by addressing the magazine, at Austin.

Winkler, E. W. (compiler and editor), *Platforms of Political Parties in Texas* (University of Texas Press, Austin, 1916). Seven hundred pages of source material on the political history of Texas.

Wooten, Dudley G., *A Complete History of Texas for Schools and Colleges* (William G. Scarff, Dallas, 1899). A well organized well written textbook for advanced students. Unfortunately it is out of print.

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